

MEETING OF THE COMMISSION OF FINE ARTS
17 October 1967
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MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
HELD IN WASHINGTON, D.C.

I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

A regular monthly meeting of the Commission of Fine Arts was held in its office in the Interior Department Building on 17 October. The members met, pursuant to notice, in executive session at 10:15 a.m. with William Walton, Chairman, presiding.

Present were: William Walton
Gordon Bunshaft
Theodore Roszak
Aline Saarinen
Hideo Sasaki
Chloethiel W. Smith
John Walker

Staff: Charles H. Atherton, Secretary
Donald B. Myer, Asst. Secretary
Myra Younker, Editor
Recorder: Leone Vialpando

II. ADMINISTRATION

1. Dates of Next Meeting

Tuesday-Wednesday, 14-15 November 1967 were approved and 19-20 December tentatively selected for the following month.

2. Approval of Minutes of September 1967 Meeting

The members approved the minutes of the September meeting. Any amendments to the minutes would be presented for approval during the November meeting. The Secretary stated that sections of the transcript will be inserted whenever verbatim discussions form an important part of the Commission's action.

3. AIA Student Scholar Program

The Secretary reported that the AIA had requested that the Commission of Fine Arts participate in a program for graduate students which would provide an opportunity to observe government operations related to architecture and planning. This would include briefing by the Commission staff and attending an open session of the Commission's meetings. The members thought the program had possibilities and should be tried at least on an experimental basis.

The AIA was notified of the Commission's action.

EXHIBIT A-5

4. Budget Estimates, Fiscal Year 1968 (Added to Order of Business)

The Secretary reported that the Clerk of the Senate Appropriations Committee had requested the Commission to consider House Joint Resolution 888 of the 90th Congress, a bill which would amount to approximately 5% cut in all executive agencies operating funds for fiscal 68. The measure was introduced in an attempt to trim Federal spending as a political lever regarding the President's program. The Secretary reported that current operating expenditures were well below what had been anticipated and that the proposed cut would not materially affect any of the Commission's programs. On this basis the members voted not to oppose the joint resolution.

III. SUBMISSIONS-REVIEWS

The Secretary presented and reviewed the following projects.

1. District of Columbia Government, Department of Buildings and Grounds

New Elementary School, Lincoln Road and Douglas Street, N.E. - Revised Design by Metcalf and Associates, architects.

The members reaction was unfavorable. While the plan was well organized, the architectural expression was completely lacking in unity. Noted principally was the use of several current cliches, unrelated and with little or no purpose, either functional or aesthetic.

Final action was withheld until a conference with officials of the Department of Buildings and Grounds and the architect later on in the morning.

2. Department of the Army, Corps of Engineers

Walter Reed Army Medical Center Master Plan - between 16th Street and Georgia Avenue along Alaska Avenue, N.W. Designed by Elkan W. Groll and Associates, architects and city planners.

The new master plan primarily reinforced the existing wooded character of the Center, retained the older historic main hospital structure and formal gardens, but would replace the many scattered temporary buildings with permanent, well-organized construction. Also all surface parking was to be eliminated substituting instead three major garages with landscaped roof decks. All elements of the medical division would be centered around the existing main structure in a single mass - with main approaches from Georgia Avenue. Buildings for ^{most} facilities would be enlarged. Service and storage facilities would be centralized in one area, while the heating plant would remain in its present location. Existing officers' housing along 16th Street would be replaced with a new dormitory more centrally located. Designs for each phase will be submitted to the Commission.

The Commission thought that the general plan was excellent but questioned the schematic design of the main hospital unit, which appeared to be a large H-shaped mass placed on a lower square podium as base. The massing of these elements was not satisfactory and was specifically disapproved.

The Commission's action was forwarded to the Department of the Army, Corps of Engineers. EXHIBIT B

3. General Services Administration, Public Buildings Service

Selection of Sculptor for Federal Office Building, Louisville, Kentucky.

Brochures of Raymond Granville Barger, Edmond Casarella and Barney Bright were reviewed for selection of a sculptor to design exterior free-standing sculpture for a recessed north entrance on the plaza and an interior metal screen adjacent to a telephone alcove on the first floor. Mr. Roszak considered Mr. Casarella the most qualified and recommended that a more open site be found for the outdoor sculpture. The members agreed unanimously with Mr. Roszak.

The Commission's selection and recommendation were forwarded to General Services Administration, Public Buildings Service. EXHIBIT C

4. District of Columbia Government, Department of Licenses and Inspections

a. Shipstead-Luce Act

(1) Watergate Project, Building #5 - Review of Final Working Drawings submitted by Luigi Moretti and Corning, Moore, Elmore and Fischer, architects.

Project was submitted to confirm the Commission's previous preliminary approval of the design for this building, in particular the balcony scheme, and for review of detailed working drawings. The Secretary said he thought several details, notably the penthouse structures and the recessed area on the middle floors, had been modified from previously approved plans, generally resulting in more interior rentable space. Most of the stairway penthouse structures and "garden" enclosures were now tied together by a roof which gave the effect of an additional story. Also the picket balustrades and the dividers on the balconies were criticized.

Mr. Bunshaft summarized the Commission's views by stating that if possible the same section as approved for Building #2 should apply to this building. Furthermore, the additional roof unifying the many elements projecting above the penthouse destroyed the overall composition by making this building appear higher. Again, the same scheme should be followed as approved in Building #2. The balconies should also be simplified,

as well as the balcony dividers. A detailed section of this apartment unit and one of the previously approved building should be submitted for comparison.

The Secretary was authorized to confer with the architects for the Watergate Development and explain the Commission's objections.

The Department of Licenses and Inspections was informed of the Commission's action.

(2) Appendix 1

The Commission approved the action recommended by the staff on the Shipstead-Luce Applications listed on Appendix 1. EXHIBIT D

by Old Georgetown Act
(1) ~~(3)~~ Appendix 2

There were no objections to the actions taken on the Old Georgetown Applications listed on Appendix 2. EXHIBIT E

5. Washington Metropolitan Area Transit Authority

Proposed Design of Washington Subway System by Harry Weese and Associates, architects. Eight drawings of typical sections, three interior perspectives and detailed model were submitted.

The revised design was strikingly different from previous proposals. A single unified concept would apply to all stations in the system. The scheme would be essentially a ribbed concrete shell, elliptical in section, with the passenger platforms somewhat elevated and set away from the surface of the tunnel. Continuous lighting would line the bottom edge of the passenger platform, illuminating the side walls of the tunnel and thus give a floating effect to the structure. This as well as all other sources of light would be indirect. The interior finish of the station would be limited to the waffle-like texture resulting from the structural system and would be concrete throughout. The only variation in station design would be slight differences in the height and curvature of the section and to the design of the passenger mezzanine levels which were conceived as relatively free-flowing sculptural elements contained within the uniform tunnels.

The new scheme was very well received by the members. It was, after all, essentially what the Commission had been recommending from the start -- a single strong idea which could apply throughout the entire system. Although formal action was withheld pending the meeting with the architect later in the meeting, there was clearly a unanimous sense of approval to the submission. What reservations there were consisted of details that would be discussed with the architect.

IV. LEGISLATION

The Secretary discussed the following legislation. He commented that similar legislation, introduced by Senator Tydings, had been reviewed previously and approved by the Commission. The proposed legislation is submitted as exhibits.

- | | |
|---|-----------|
| 1. H.R. 9072-4/24/67-Mr. Whitener-90thC | EXHIBIT F |
| H.R. 12507-8/22/67-Mr. Dowdy-90thC | EXHIBIT G |

To authorize the Commissioners of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia and for other purposes. Approved.

- | | |
|---------------------------------------|-----------|
| 2. H.R. 12506-8/22/67-Mr. Dowdy-90thC | EXHIBIT H |
|---------------------------------------|-----------|

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes. Approved.

- | | |
|---------------------------------------|-----------|
| 3. H.R. 12508-8/22/67-Mr. Dowdy-90thC | EXHIBIT I |
|---------------------------------------|-----------|

To authorize the Commissioners of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over and under the streets and alleys under their jurisdiction, other than freeways, and for other purposes. Approved.

V. INTERVIEWS

1. Washington Metropolitan Area Transit Authority
Proposed Design of Washington Subway System

Commissioner Tobriner, General Graham of the Transit Authority, and Mr. Weese, architect, attended the meeting.

The Chairman told the representatives of the Commission's earlier discussion and how enthusiastically the new design had been received, and then asked Mr. Bunshaft to discuss some of the more detailed reservations the Commission had -- principally the treatment of the passenger mezzanine. The use of glass panels and bronze in the railing details appeared to weaken the sculptural quality of the forms and should be restudied -- possibly carrying concrete material to near-railing height with only a thin hand-rail set close on the top. Also suggested was the application of the same treatment to the escalators connecting the two levels. Mr. Weese agreed to study the former suggestion but questioned whether it was

physically possible to carry the metal escalator mechanism within a concrete enclosure. Even so, the Commission thought there should be greater continuity between the escalator and the mezzanine. This point was left open for further study. Commissioner Tobriner then spoke on the Transit Authority's concern for developing a subway system which, it was feared, would be monotonous due to the use of the same station design throughout. The entire Commission responded to the contrary, emphasizing that the unique unity instilled by this kind of design would in itself be exciting because of the contrast with the relatively uncontrolled appearance of the rest of the city. These discussions are included in detail in the transcript. EXHIBIT J

To summarize the Commission's action, the proposed design was approved, with the above reservations, specifically for the Judiciary Square and G Street stations but it was clear that the Commission's approval was based on the design being used on all other stations in the system.

2. District of Columbia Government, Department of Buildings and Grounds

New Elementary School, Lincoln Road and Douglas Street - Revised

Design

Mr. Selles of the Department of Buildings and Grounds and Mr. Paranjpe and Mr. Neubauer of Metcalf and Associates, architects, attended the meeting.

Mrs. Smith questioned the general program for the school and wondered whether any thought had been given to some of the advances in teaching methods in programming for the new design. Mr. Selles explained that this design was based essentially on the same program which had been in effect over the past several years.

Mr. Bunshaft then briefly summarized the Commission's major objection to the design which had been discussed earlier during the meeting. He emphasized the need for a unified approach for the entire structure, ridding the design of all its "popular" stylistic cliches. The architect agreed to the validity of this criticism and will restudy the entire project.

The Commission's disapproval was forwarded to the Department of Buildings and Grounds.

EXHIBIT K

VI. Freer Gallery of Art

Inspection of Proposed Acquisitions

The Commission inspected works of art proposed for purchase by

the Freer Gallery of Art. The list is EXHIBIT L.

The meeting adjourned at 12:05 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. H. Atherton". The signature is written in a cursive, flowing style.

C. H. Atherton
Secretary

16 November 1967

Dear Colonel Falkenbury:

The Commission of Fine Arts, at its meeting on October 17th, reviewed the proposed master plan for the redevelopment of the Walter Reed Army Medical Center.

The Commission approved the plan but disapproved the general massing of the main hospital center which will comprise the new building consolidating the many temporary facilities which are to be razed. Since this is the principal structure of the Center it will have to be studied in much greater detail from the point of view of its composition.

We will be happy to meet with the architects at the earliest possible moment to go over plans for this structure.

Sincerely yours,

William Walton
Chairman

Lt. Colonel S. D. Falkenbury, Jr.
Acting District Engineer
Baltimore District
Corps of Engineers
U.S. Army
P.O. Box 1715
Baltimore, Md. 21203

Exhibit B

16 November 1967

Dear Mr. Hunter:

At its meeting on October 17th, the Commission of Fine Arts reviewed the proposed sculpture at the new Federal Office Building in Louisville, Kentucky.

The Commission preferred the selection of Edmond Cassa but would hope that he be given an area which was less confined than the proposed location which was partially situated underneath the building entrance. Looking at the site it would appear that an area somewhat outside the proposed location would be more suitable.

Sincerely yours,

William Walton
Chairman

Mr. L. L. Hunter
Assistant Commissioner for Design
Public Buildings Service
General Services Administration
Washington, D.C.

Exhibit C

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS

10/17/67

NO ADDRESS AND OWNER

PROJECT

SL 68-

10 2210 F St., NW
Newman Foundation
ACTION: App'd., 9/22/67.

Cover exterior of rear wall with alcoa alum. siding, vertical V-joint panelling, color & material per sample.

11 1969-71 Biltmore St., NW
Leo Bernstein

Sample of brick as requested in SL 68-7, & SL 68-8.

ACTION: Brick sample disap'd. Recom. tan or light brown brick. Resubm. tan mortar, 9/22/67.
(NOTE: Above action amended. See memo. to Chief, Permit Branch, dated 10/2/67.)

12 807 Market Space, NW
Sleep Center
ACTION: App'd., 9/22/67.

Move exist. sign from 809 Market Space & erect at 807 Market Space. Sign at 807 Market Space to be removed.

13 4032 Arkansas Ave., NW
Palestine Hill

Install alum. combination screen & glass awning - windows in front opening of porch. All exist. wall & roof in place.

ACTION: Ret'd. for clearer, more complete drawings. Also suggest substitution of sliding or casement windows, 10/5/67.

16 2910 Edgevale Terrace, NW
Dr. Alec C. Levin

2-story residence with 3-story central portion. Also brick sample (Woodbridge Clay Products Co.)

ACTION: App'd. Brick sample app'd. also, 10/13/67.

17 1350 E St., NW
D. C. Gov't.

Install revolving doors on 14th & 13½ St., NW

ACTION: Appearance of structural members heavy & coarse. Why can't, at least, display areas & exterior panel adjoining doors be a single sheet of glass. Recom. restudy, 10/13/67.

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS (Continued)

10/17/67

NO
SL 68-

ADDRESS AND OWNER

PROJECT

14

4247 Colo. Ave., NW
N. W. Development

New dwelling.

ACTION: Because of limited effect on Rock Creek Park, the CFA waives further review of this project, despite inferior quality of design of both bldgs. & site, 10/17/67.

15

4251 Colo. Ave., NW

Same as SL 68-14.

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS

10/17/67

<u>NO</u> <u>OG 68-</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
68	3243 Q St., NW Ursell's ACTION: Recom'd., 10/13/67.	2-story storage annex at rear of present store.
69	3248 Q St., NW Mrs. Wm. Beck ACTION: Recom'd., 10/12/67.	Install 1 post & lantern.
70	1656-32nd St., NW Barbara A. Rathe ACTION: Recom'd. with exception of bay window. Prefer 2 d-h windows as more in keeping with character & scale of house. Request resubm. of this item only, 10/13/67.	Addn. to exist. dwell. on side facing exist. dwell. w/used brick, maintaining exist. trim.
71	2817 N St., NW Priscilla Mason ACTION: Recom'd., 10/6/67.	Replace wood steps with brick steps, stone treads & platform.
72	3000 M St., NW Sinclair Refining Co. ACTION: No obj., 10/13/67.	1 22-sq-ft constr. sign. Black ltrs. on yellow-gold bckgd. Temporary.
73	1733-34th St., NW Hintze ACTION: Resubm. exact inf. on what is to be removed. Accurately illustrate ironwork proposed, 10/13/67.	Upstairs--Remove part'n. & close door. Remove broken brick-guard & replace with wrought iron.

Exhibit E

10/17/67

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS (Continued)

PROJECT

NO ADDRESS AND OWNER

OG 68-

74 3338 Volta Pl., NW Constr. 1-story addn. to front of exist. residence.

S.D. & M.C. Metzger

ACTION: Recom. restudy of cornice treatment. Eliminate scallops. Show brick head over window & doors,
10/13/67.

75

3288 M St., NW

Vesuvio Restaurant

1 canvas awning with fixed iron frames over doorway. Black & gold striped.

ACTION: Resubm. more accurate drawing showing exact location of proposed awning & its relation to lights, cornice & windows, 10/13/67.

76

3632 Prospect St., NW

Edith Ray Saul

Iron fencing on top of brick ret. wall.

ACTION: Recom'd. Prefer omission of finials & scrollwork, 10/12/67.

OCT 3 1967

NO ADDRESS AND OWNER

PROJECT

OG 68-

Inf.

57 3413 R St., NW
S. R. CopeACTION: Replace clay tiles on roof with asbestos cement "slates." Re-place exist. porch with new. Install iron railing.
Partial removal of exist. porch unsuitable. If entire porch is to be removed, restudy of front elevation is in order, OCT 3 196759 3252 N St., NW
Leo M. Bernstein
ACTION: Recom'd., 9/19/67.

Gate posts & entr. door.

60 1634-32nd St., NW
Mrs. Leon Zach

Install l-bracket lite at front entr.

ACTION: Light fixture #130 not recom'd. Suggest fixture #141 instead, 9/27/67.

61 3206 Grace St., NW
Georgetown Market

Sample of letter for sign.

ACTION: Recom. a slightly lower & wider sign affording more separation between the ltrs. of "Georgetown."
Resubmit revised sketch, 9/27/67.62 3267 P St., NW
Cecile D. DeRocheFort

Alum. siding over frame.

ACTION: Ret'd. for better photos, corner & window details, 9/25/67.

63 3212 N St., NW
Micheline Liverman

Enlarge exist. front window by lowering sill for use as shop showwindow.

ACTION: Recom. scheme presented in OG 68-21, but omitting lower horizontal muntin. Request revised sketch with detailed section of muntins, 9/27/67.

OCT 3 1967

NO
OG 68-PROJECTADDRESS AND OWNER

64

3403 P St., NW
Mrs. Suzan R. Mackler

Replace exist. front entr. with design shown on attached drawing. The panel previously app'd. other alterations & an addn. to same structure--which is now under way.

ACTION: Prefer exist. door, but do not object to present proposal if the owners require the add'l. width, 9/27/67.

65

1239 Wisc. Ave., NW
J. Leo Kolb

Lighted metal ltr. sign for Baylor Furniture

ACTION: Proposed full-sized ltr'ing. too coarse & heavy in appearance. Recom. a thinner ltr. in the style app'd. in OG 68-43, 9/27/67.

66

1325 Wisc. Ave., NW
Pagoda

1 s-f, 15 sq-ft sign. Red lettering, gold bckgd.

ACTION: Recom'd., provided bckgd. be rectangular, & that color scheme be black & gold, eliminating red. Request resubm., 9/27/67.

67

3632 Prospect St., NW
Edith Ray Saul

36" iron fence on top of exist. brick ret. wall.

ACTION: Recom'd., provided scrollwork & finials are omitted & that railing is modified according to attached sketch. Recom. 5/8" square balusters, 9/27/67.

90TH CONGRESS
1ST SESSION

S. 1245

Same as

H.R. 9072

2
H.R. 12507

IN THE SENATE OF THE UNITED STATES

MARCH 9, 1967

Mr. TYDINGS introduced the following bill; which was read twice and referred
to the Committee on the District of Columbia

A BILL

To authorize the Commissioners of the District of Columbia to
lease airspace above and below freeway rights-of-way within
the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "District of Columbia
4 Freeway Airspace Utilization Act."

5 SEC. 2. When used in this Act—

6 "Airspace" means so much of the space above, on,
7 and below freeway rights-of-way as is not needed for
8 freeway purposes.

9 "Commissioners" means the Commissioners of the
10 District of Columbia.

II

Exhibits F & G

1 “District” means the District of Columbia.

2 “Freeway” means any limited access divided high-
3 way within the District.

4 “Right-of-way” means land, property or interest
5 therein acquired for or devoted to a freeway, including
6 connecting ramps.

7 “United States” means the Government of the
8 United States or any department or agency thereof,
9 including, without limitation, any agency established or
10 authorized to be established by Act of Congress or by
11 interstate compact to which consent of Congress is given.

12 SEC. 3. The Commissioners are hereby authorized—

13 (a) to make or permit such use of airspace in the
14 District for any municipal purpose, including, without
15 limitation, housing for low-income families, public wel-
16 fare, public works, park, recreational, and vehicle park-
17 ing, as will not be detrimental to or impair the efficient
18 use, operation, and maintenance of any freeway;

19 (b) to enter into contracts or agreements with the
20 United States for the use of airspace and for the purpose
21 of receiving, or qualifying any permittee or lessee to
22 receive, grants or other financial assistance under avail-
23 able Federal programs in connection with the construc-
24 tion, use, or operation of buildings, structures and other
25 things therein;

1 (c) to enter into agreements with the United States
2 for the granting to the United States of easements to use
3 airspace for the purpose of constructing therein Federal
4 public buildings and for such other purposes as may be
5 agreed upon. Such easements shall, for the purpose of
6 section 355 of the Revised Statutes of the United States,
7 as amended (40 U.S.C. 255), be deemed sufficient and
8 valid title in the United States in the areas in which are
9 to be constructed public buildings or other facilities; and

10 (d) to enter into leases of, or grant revocable per-
11 mits for, the use of airspace in the District, including
12 rights of or for support, access, utilities, light and air
13 to an extent not inconsistent with the use of a freeway
14 by the general public for the purpose of travel, and, in
15 connection with any such lease or permit, to impose such
16 terms and conditions including, but not limited to, the
17 deposit of bond or other security, and to provide for
18 the payment of such rents or fees as the Commissioners
19 may, in their discretion, determine to be necessary or
20 desirable, but the Commissioners may, in connection
21 with the entry into a lease, or the granting of a permit,
22 for the use of such airspace, provide as conditions of any
23 such lease or permit (1) that such airspace shall not
24 be used by the lessee or permittee in such manner as
25 to deprive of its easements of light, air, and access any

1 real property not owned or controlled by such lessee or
2 permittee, and (2) that upon the expiration of the lease
3 or permit and of any renewal thereof, any building or
4 other structure which may have been constructed in such
5 airspace shall, at the direction of the Commissioners, be
6 removed therefrom by and at the expense of the lessee
7 or permittee or his successor in interest, and the airspace
8 shall be restored to the condition which obtained prior
9 to the construction of such building or other structure,
10 all to the satisfaction of the Commissioners.

11 SEC. 4. (a) The authority contained in section 3 shall
12 be exercised by the Commissioners in furtherance of the
13 Comprehensive Plan for the National Capital prepared pur-
14 suant to the National Capital Planning Act of 1952 (40
15 U.S.C. 71) and in the following order of priority:

16 (1) The Commissioners shall determine whether
17 such space is required for a municipal purpose, as au-
18 thorized by subsection (a) of section 3, and if they
19 determine the space is so required, they are authorized
20 to make such use of it.

21 (2) The Commissioners shall ascertain, through
22 the Executive Director of the National Capital Housing
23 Authority established by the Act approved June 12,
24 1934 (48 Stat. 930), whether such space is required
25 for the construction thereof of dwellings for low-income

families at rents in accordance with their incomes, and if the Commissioners find that such space is so required they are authorized, with or without charge, to make it available for such construction by granting an easement to use such space, and such easement shall constitute sufficient and valid title in the Authority or in the United States, or in any private developer under contract to convey the completed property to the Authority, as the case may be, to construct therein buildings or other facilities. The use of such space by the Authority shall be subject to such agreement as the Authority has entered into with the District respecting the making of payments in lieu of taxes.

(3) The Commissioners shall ascertain, through the Administrator, General Services Administration, whether the United States (other than the National Capital Housing Authority) requires such space for the construction therein of a building, other structure, or facility, and if such space is so required, the Commissioners are authorized to make it available without charge to the United States, or on the basis of such charge as may be agreed upon between the Commissioners and the United States.

(4) The Commissioners shall determine whether such space should be leased to a public or private de-

1 veloper to provide housing for low- and moderate-
2 income individuals and families, and if the Commis-
3 sioners so determine, they may include in such lease,
4 or make such permit subject to, an agreement whereby
5 a preference in admission to the housing will be given
6 to low- and moderate-income individuals and families
7 displaced by urban renewal activities or as a result of
8 other governmental action.

9 (5) The Commissioners shall determine whether
10 the space should be leased to a nonprofit organization,
11 such as a hospital, welfare agency, or the like, for the
12 construction therein of a building, other structure, or
13 facility to be used in connection with the activities of
14 such organization.

15 (6) The Commissioners shall determine whether
16 such space should be made available for business pur-
17 poses, including, without limitation, housing for individ-
18 uals and families.

19 (b) In connection with the lease of such space either
20 for housing for low- and moderate-income families and fami-
21 lies displaced from urban renewal areas or as a result of
22 governmental action, or for use by nonprofit organizations or
23 for business purposes, the Commissioners are authorized to
24 lease the space either on the basis of competitive bids or on

1 a negotiated basis, as the Commissioners determine is in the
2 best interests of the District and of the general public.

3 SEC. 5. For the purposes of this Act, airspace, and
4 buildings, structures, and improvements constructed or erected
5 within such airspace, pursuant to a lease or permit, shall
6 be deemed to be real property and be liable to assessment
7 and taxation as such from the beginning of the term or
8 period of such lease or permit. For the purposes of real
9 property assessment and taxation, the value of such air-
10 space, other than any building, structure, or improvement
11 constructed or erected therein, shall be deemed to be the
12 value of the underlying land as if the same were not
13 occupied and used for public purposes. No such tax shall
14 be assessed with respect to any airspace and buildings, struc-
15 tures, and improvements therein (1) for which the United
16 States has been granted an easement (but nothing herein
17 contained shall be construed to abrogate such agreement
18 as the United States may have entered into, or may enter
19 into, with the District with respect to making payments in
20 lieu of real property taxes) or used for the purposes specified
21 in subsections (a), (b), and (c) of section 3 of this Act;
22 or (2) occupied and used by one or more organizations
23 exclusively for a purpose or for purposes which, under
24 section 1 of the Act of December 24, 1942 (56 Stat. 1089),

1 as amended (D.C. Code, sec. 47-801a), would entitle
2 real property so occupied and used to be exempt from
3 taxation. Except as otherwise provided in this section,
4 for the purposes of this Act the provisions of law applicable
5 to special assessments for public improvements, and the
6 provisions of law applicable to sanitary sewer service
7 charges and to water service charges, shall be applicable
8 with respect to airspace and buildings, structures and im-
9 provements therein used pursuant to a lease entered into
10 with, or permit granted to, a lessee or permittee under the
11 authority of subsection (d) of section 3 of this Act. The
12 leasehold or permit interest in any airspace so leased or
13 granted, including any building, structure or improvement
14 constructed or erected therein, shall, in cases of nonpayment
15 of real property taxes, nonpayment of special assessments
16 for public improvements, and nonpayment of sanitary sewer
17 service or water service charges, be subject to private, out-
18 right sale by the District, without any right in the lessee
19 or permittee to redeem the leasehold or permit interest so
20 sold: *Provided*, That the proceeds from such sale in excess
21 of such delinquent taxes, assessments, or charges, or a com-
22 bination thereof, including any interest, penalties and costs
23 relating thereto, shall be paid by the District to the lessee
24 or permittee, or to such person as he may, in writing,
25 designate.

1 SEC. 6. (a) Prior to the entry by the Commissioners
2 into any agreement or lease, or their granting of any permit
3 for the use of airspace, the following actions shall be taken:

4 (1) The Zoning Commission of the District of Co-
5 lumbia, after public hearing and after securing the advice
6 and recommendations of the National Capital Planning
7 Commission, shall have determined the use to be per-
8 mitted in such airspace and shall have promulgated regu-
9 lations pertaining thereto, including but not limited to,
10 limitations and requirements respecting the height of
11 any structure to be erected in such space, off-street park-
12 ing and floor area ratio, which limitations and require-
13 ments need not be the same as those provided for prop-
14 erties not within airspace. The provisions of section 10
15 of the Act entitled "An Act providing for the zoning of
16 the District of Columbia and the regulation of the loca-
17 tion, height, bulk, and uses of buildings and other struc-
18 tures and of the uses of land in the District of Columbia,
19 and for other purposes", approved June 20, 1938 (52
20 Stat. 800; D.C. Code, sec. 5-422), shall be applicable
21 to regulations made pursuant to this section and to viola-
22 tions of such regulations.

23 (2) The lessee or permittee shall have submitted to
24 the Commissioners and the Zoning Commission for their

1 review and approval, plans, elevations, sections, and a
2 scale model for any structure to be erected in such air-
3 space, and a description of the texture, material, and
4 method of construction of exterior walls.

5 (b) (1) The provisions of section 16 of the Act ap-
6 proved June 20, 1938 (52 Stat. 802), as amended (D.C.
7 Code, sec. 5-428), shall be applicable to the construction of
8 federal public buildings in like manner as if the buildings
9 were constructed entirely on property owned by the United
10 States, and, to the extent that such section is, by subsection
11 5(c) of the National Capital Planning Act of 1952, as
12 amended (40 U.S.C. sec. 71d(c)), made applicable there-
13 to, such section 16 shall also be applicable to the construction
14 by the District of Columbia of any building.

15 (2) Plans for construction in airspace by the Federal
16 or District Governments shall be subject to consultation,
17 advice and recommendation of the National Capital Planning
18 Commission in accordance with the National Capital Plan-
19 ning Act of 1952, as amended (40 U.S.C. sec. 71 et seq.).

20 (3) Plans for construction in airspace shall be subject
21 to review and recommendation of the Commission of Fine
22 Arts to the extent required by, and in accordance with, the
23 Act approved May 16, 1930 (46 Stat. 366), as amended
24 (D.C. Code, secs. 5-410 and 411), the Act approved Sep-
25 tember 22, 1950 (64 Stat. 903; D.C. Code, title 5, chapter

1 8), and Executive Orders dated October 25, 1910, and
2 November 28, 1913.

3 (c) Whenever the Commissioners shall find that there
4 is any significant change in, or substantial modification of,
5 the plans for the proposed structure after such plans have
6 been approved in accordance with the requirements of the
7 preceding subsections of this section and of section 3, or if,
8 after the construction of the structure, they find there is any
9 significant change in, or substantial modification of, the
10 structure or the use made of it, each such change or modifica-
11 tion shall be subject to approval by the agencies specified
12 in this section, as their interests may appear, in like manner
13 as is set forth in subsections (a) and (b) of this section.

14 SEC. 7. The cost of removing or relocating publicly
15 owned and privately owned facilities in a street, highway, or
16 alley, including, without limitation, water lines and sewers,
17 to the extent that any such removal or relocation is required
18 in connection with the construction of a building in airspace
19 under the authority of this Act, other than a building con-
20 structed by or on behalf of the District, shall not be borne
21 by the District, but the cost of any such removal or reloca-
22 tion shall be defrayed by another or by others than the
23 District in accordance with such arrangements as may be
24 acceptable to the Commissioners and be approved by them
25 in writing. The removal or relocation by the District of

1 sewers and water mains, and the removal or relocation of
2 any other facilities in such space, shall be in accordance with
3 plans and schedules approved by the Commissioners.

4 SEC. 8. Except as provided in section 6, laws and
5 regulations now or hereafter in effect in the District and
6 applicable to the construction, use, and occupancy of build-
7 ings and premises, including, but not limited to, building,
8 electrical, plumbing, housing, health, and fire regulations,
9 shall be applicable to buildings, structures, and improve-
10 ments erected in airspace under lease or agreement entered
11 into or permit issued pursuant to this Act.

12 SEC. 9. (a) The Commissioners are authorized, after
13 public hearing, to promulgate regulations to carry out the
14 purposes of this Act.

15 (b) Any regulations adopted under the authority of
16 this section may provide for the imposition of a fine of
17 not more than \$300 or imprisonment for not more than
18 ninety days, or both such fine and imprisonment, for any
19 violation of such regulations. Prosecutions for violations of
20 regulations made pursuant to this section shall be conducted
21 in the name of the District by the Corporation Counsel or
22 any of his assistants.

23 (c) Whenever there exists any violation or failure to
24 comply with regulations adopted under the authority of
25 this Act, or regulations specified in section 8 of this Act,

1 after notice of such violation or failure has been given by
2 the Commissioners, each and every day such violation
3 exists, or each and every day beyond a time limit set for
4 compliance during which there is failure to comply fully
5 with any of the said regulations or with orders issued
6 pursuant to the authority contained therein, shall constitute
7 a separate offense, and the penalty specified for the violation
8 of such regulation shall be applicable to each such separate
9 offense.

10 SEC. 10. All collections, including rents and fees, re-
11 ceived by the District pursuant to this Act shall be deposited
12 in the Treasury of the United States in a trust fund which
13 is hereby authorized and from which may be paid, in the
14 same manner as is provided by law for other expenditures
15 of the District, such expenditures as are necessary to carry
16 out the purposes of this Act, including, without limitation,
17 necessary expenses connected with the operation, mainte-
18 nance, and disposition of property coming into the posses-
19 sion of the District by reason of default under leases entered
20 into or permits issued pursuant to this Act: *Provided*, That
21 taxes (including payments in lieu of taxes), special assess-
22 ments, and sanitary sewer and water service charges shall
23 be deposited directly to the respective funds to which such
24 revenues are normally deposited. The unobligated balance

1 in such trust fund as of June 30 of any year which exceeds
2 \$100,000 shall be deposited in the Treasury to the credit
3 of such special funds or the general fund of the District in
4 such proportions as the Commissioners shall, in their dis-
5 cretion determine.

6 SEC. 11. Nothing in this Act shall be construed so as to
7 affect the authority vested in the Board of Commissioners
8 of the District by Reorganization Plan Numbered 5 of 1952
9 (66 Stat. 824). The performance of any function vested by
10 this Act in the Board of Commissioners or in any office or
11 agency under the jurisdiction and control of said Board of
12 Commissioners may be delegated by the Board of Commis-
13 sioners in accordance with section 3 of such plan.

14 SEC. 12. Nothing in this Act shall be construed as
15 modifying or superseding title 23, United States Code: *Pro-*
16 *vided*, That the use of public space under the authority of this
17 Act shall not be deemed to deprive the District of its eligi-
18 bility for financial assistance under any federally assisted
19 program, regardless of the fact that the District may, in the
20 case of a privately owned building, receive rental for the use
21 of such public space.

22 SEC. 13. If any provision of this Act or of the regula-
23 tions promulgated under the authority of this Act is held
24 invalid, such invalidity shall not affect other provisions either
25 of this Act or of the said regulations which can be effected

1 without the invalid provision, and to this end the provisions
2 of this Act and the said regulations are separable.

3 SEC. 14. Appropriations to carry out the purposes of
4 this Act are hereby authorized.

ABILL

To authorize the Commissioners of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes.

By Mr. TYDINGS

MARCH 9, 1967

Read twice and referred to the Committee on the District of Columbia

NOTED

RECEIVED
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.
JUL 20 1967

90TH CONGRESS
1ST SESSION

H. R. 12506

IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 1967

Mr. DOWDY introduced the following bill; which was referred to the Committee on the District of Columbia

A BILL

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—SHORT TITLE, STATEMENT OF FIND-
4 INGS, AND POLICY DEFINITIONS

5 SEC. 101. This Act may be cited as the "District of
6 Columbia Public Space Rental Act".

7 SEC. 102. The Congress finds that there is demand in
8 the District for the use of public space for private gain by the

1 owners of property abutting such space, or by the operators
2 of businesses on such property. The Congress further finds
3 that much of the use that is presently being made of such
4 space by such owners or operators, and much of the use
5 that is proposed to be made thereof, would not be in derogation
6 of the rights of the general public to use such space if a
7 determination be made by the Commissioners that some or
8 all of such space is not required for the use of the general
9 public and may be made available for use, for business purposes,
10 by or with the consent of the owners of the private
11 property abutting such public space, subject to the payment
12 of adequate compensation for the use of such public space,
13 and subject to the discontinuance of such use to the extent
14 that the Commissioners may later determine such space to
15 be required for the use of the general public, including use
16 by a public utility company. The Congress therefore declares
17 that public space in the District which the Commissioners find
18 is not required for the use of the general public
19 may be made available by them for use, for business purposes,
20 by or with the consent of the owners of private property
21 abutting such space, upon payment to the District of
22 compensation for the use of such space, and on the condition
23 that such use will be discontinued in whole or in part
24 whenever the Commissioners determine that all or part of the
25 public space is required for the use of the general public.

1 SEC. 103. As used in this Act, unless the context re-
2 quires otherwise—

3 “Commissioners” means the Commissioners of the Dis-
4 trict or their designated agent.

5 “District” means the District of Columbia.

6 “Owner” means (1) any person, or any one of a number
7 of persons, in whom is vested all or any part of the beneficial
8 ownership, dominion, or title of property; (2) the com-
9 mittee, conservator, or legal guardian of an owner who is
10 non compos mentis, a minor child, or otherwise under a dis-
11 ability; or (3) a trustee elected or appointed, or required
12 by law, to execute a trust, other than a trustee under a deed
13 of trust to secure the repayment of a loan.

14 “Parking” means that area of public space which lies
15 between the property line and the edge of the actual or
16 planned sidewalk which is nearer to such property line, as
17 such property line and sidewalk are shown on the records
18 of the District.

19 “Property” means real property.

20 “Property line” means the line of demarcation between
21 privately owned property fronting or abutting a street and
22 the publicly owned property in the line of such street.

23 “Public space” means all the publicly owned property
24 between the property lines on a street, as such property lines
25 are shown on the records of the District, and includes any

1 roadway, tree space, sidewalk, or parking between such
2 property lines.

3 "Street" means a public highway as shown on the rec-
4 ords of the District, whether designated as a street, alley,
5 avenue, freeway, road, drive, lane, place boulevard, park-
6 way, circle, or by some other term.

7 "Vault" means a structure or an enclosure of space be-
8 neath the surface of the public space, including but not
9 limited to tanks for petroleum products, except that the term
10 "vault" shall not include public utility structures, pipelines,
11 or tunnels constructed under the authority of subsection (d)
12 of the Act approved December 20, 1944, as amended (D.C.
13 Code, sec. 1-244(d)), or structures or facilities of the
14 United States or the District of Columbia. If such structure
15 or enclosure of space be divided approximately horizontally
16 into two or more levels, the term "vault" as used in this
17 Act shall be considered as applying to one such level only,
18 and each such level shall be considered a separate vault
19 within the meaning of this Act.

20 SEC. 104. Nothing contained in this Act shall be con-
21 strued as requiring the Commissioners to assess and collect
22 rent from the Government of the United States, the govern-
23 ment of the District of Columbia, or any foreign government,
24 for the use, in accordance with the provisions of titles II and
25 III, of public space abutting property owned by any such

1 government, nor shall any such government be subject to the
2 payment of any rent required by this Act.

3 TITLE II—RENTAL OF PUBLIC SPACE ON OR
4 ABOVE THE SURFACE

5 SEC. 201. The Commissioners are authorized to pro-
6 vide by regulation for the rental of portions of public space
7 on or above the surface of the pavement or the ground, as
8 the case may be, and not actually required for the use of
9 the general public, for such period of time as the said space
10 may not be so required or for any lesser period: *Provided*,
11 That nothing herein contained shall be construed as requir-
12 ing the Commissioners to require the payment of rent as a
13 condition to the use of public space (1) in accordance with
14 the provisions of regulations heretofore or hereafter promul-
15 gated by the Commissioners under the authority of the first
16 paragraph under the caption "District of Columbia" of the
17 Act approved March 3, 1891 (27 Stat. 868), as amended
18 (D.C. Code, sec. 5-204) ; (2) by a public utility company
19 for the installation and maintenance of any of its equipment
20 or facilities, under permit issued by the District; or (3) for
21 the sale of newspapers of general circulation: *Provided fur-*
22 *ther*, That the proposed rental of public space within the
23 area of the District of Columbia subject to the provisions
24 of the Act approved May 16, 1930 (46 Stat. 366), as
25 amended (D.C. Code, secs. 5-410 and 5-411), shall be

1 submitted to the Commission of Fine Arts in accordance
2 with the provisions of such Act of May 16, 1930. The regu-
3 lations adopted by the Commissioners shall provide that pub-
4 lic space rented under the authority of this title shall be
5 rented only to the owner of property fronting and abutting
6 such public space; that any person using such space shall
7 not acquire any right, title, or interest therein; that both
8 the United States and the District of Columbia, and the
9 officers and employees of each of them, shall be held harm-
10 less for any loss or damage arising out of the use of such
11 space, or the discontinuance of any such use; that the
12 Commissioners may require such space to be vacated upon
13 demand by them and its use discontinued, with or without
14 notice, and with no recourse against either the United States
15 or the District for any loss or damage occasioned by any such
16 requirement; and that if any such use be not discontinued
17 by the time specified by the Commissioners, the said Com-
18 missioners may remove from such space any property left
19 thereon or therein by any person using such space under the
20 authority of this title, at the risk and expense of the owner
21 of the real property abutting such space.

22 SEC. 202. The Commissioners shall by regulation pro-
23 vide for the payment of rent for the use of public space as
24 authorized by this title. The annual rent for such space shall
25 be a fair and equitable amount fixed by the Commissioners

1 from time to time in accordance with regulations adopted by
2 them, generally establishing categories of use and providing
3 that the rent for each category of use shall bear a reasonable
4 relationship to the assessed value of the privately owned land
5 abutting such space, depending on the nature of the category
6 of use and the extent to which the public space may be
7 utilized for such purpose, but in no event shall the annual
8 rent for the public space so utilized be at a rate of less than
9 4 per centum per annum of the current assessed value of an
10 equivalent area of the privately owned space immediately
11 abutting the public space so utilized. Such rent shall be
12 payable in advance for such periods as may be fixed by the
13 Commissioners. In the event the Commissioners require any
14 person using public space under the authority of this title to
15 vacate all or part of any space for which rent has been paid,
16 the Commissioners are authorized to refund so much of such
17 prepaid rent as may be represented by the amount of space
18 so vacated and by the length of time remaining in the period
19 for which rent was paid.

20 SEC. 203. The Commissioners are authorized, with re-
21 spect to property subject to the requirements of section 2
22 of the Act approved May 31, 1900 (31 Stat. 248; D.C.
23 Code, sec. 7-117), to allow the same use to be made of
24 such property as, under the authority of this title, they allow
25 to be made of the public space abutting such property. Any

1 such use of such property shall be subject to the same con-
2 ditions as are applicable to the use of the abutting public
3 space, with the exception of the payment of rent.

4 TITLE III—RENTAL OF SUBSURFACE PUBLIC
5 SPACE

6 SEC. 301. Section 7 of the Act entitled "An Act making
7 appropriations to provide for the expenses of the govern-
8 ment of the District of Columbia for the fiscal year ending
9 June thirtieth, nineteen hundred and seventeen, and for
10 other purposes", approved September 1, 1916 (39 Stat.
11 716), as amended (D.C. Code, sec. 7-901), is hereby re-
12 pealed, and all permits for the use of public space issued by
13 the Commissioners under the authority of such Act are
14 revoked as of the effective date of this title.

15 SEC. 302. The Commissioners are authorized to issue
16 a permit for the use of a vault constructed prior to the
17 effective date of this Act, or for the construction of a
18 vault after such effective date, only to the owner of the
19 real property abutting the public space in which such vault
20 is or will be located. The issuance of each such permit
21 shall be conditioned on the prior execution by such owner
22 of an agreement acknowledging, for himself, his heirs and
23 assigns, (1) that no right, title, or interest of the public
24 is thereby acquired, waived, or abridged; (2) that the
25 Commissioners may inspect such vault during regular busi-

ness hours; (3) that the Commissioners may introduce or authorize the introduction into or through such vault, with right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioners deem necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

SEC. 303. The Commissioners are authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioners.

SEC. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the Commissioners for such vault, but such annual rent shall not be less than \$10, and such rent

1 shall be subject to collection from said owner in the manner
2 prescribed by this title, regardless of whether any use is
3 made of such vault, and regardless of the extent of any use:
4 *Provided*, That no rent for any rental year for a vault shall
5 be charged to the owner of abutting property if said owner,
6 prior to July 1 of such year, has notified the Commission-
7 ers in writing that he has abandoned such vault and has
8 performed such work as may be required by the District
9 in connection with the sealing off or filling of such vault,
10 or both.

11 SEC. 305. (a) The owner of property abutting public
12 space in which any vault is located, as such owner may
13 be recorded in the real estate assessment records of the
14 District, shall pay the rent established by the Commissioners
15 for such vault. Such rent shall be payable annually for
16 the year commencing July 1 and ending the following
17 June 30, and shall be payable in full prior to the beginning
18 of such year. In the case of vaults constructed between
19 July 1 and January 1 of any year, one-half of the annual
20 rent for any such vault, as established by the Commissioners,
21 shall be payable in full prior to the first of January immedi-
22 ately following the completion of such vault. In the case
23 of vaults constructed between January 1 and July 1 of the
24 succeeding year, no rent shall be charged for any vault
25 completed within such period, but the owner of the property

1 abutting the public space in which such vault is located
2 shall, prior to the first of July immediately following the
3 completion of any such vault, pay in full the annual rent
4 established by the Commissioners for such vault, for the
5 rental year commencing on such July 1. Interest at the
6 rate of 1 per centum for each month or part thereof shall
7 be charged in every case in which rent is not paid on or
8 before the date on which any payment required by this
9 section shall become due.

10 (b) In the event the Commissioners require or allow
11 any person using subsurface public space under the author-
12 ity of this title to vacate, voluntarily or involuntarily, all or
13 part of any space for which rent has been paid, the Com-
14 missioners are authorized to refund so much of such prepaid
15 rent as may be represented by the amount of space so
16 vacated and by the length of time remaining in the period
17 for which rent was paid: *Provided*, That the Commissioners
18 may deduct from such prepayment any amount due the
19 District in compensation for expenses to the District in
20 connection with the use or abandonment of said space.

21 SEC. 306. (a) Whenever the Commissioners determine
22 that any vault is unsafe or is not in use, or the space occu-
23 pied by such vault is required for street improvements, or
24 the construction or extension of sewers, water mains, or
25 public utility facilities, the Commissioners are authorized to

1 serve upon the owner of property abutting public space
2 occupied by such vault an order requiring such owner to
3 remove in whole or in part, reconstruct, repair, or close
4 such vault by filling, sealing, or otherwise rendering un-
5 usable in a manner satisfactory to the Commissioners. The
6 failure or refusal of any such owner to comply with such
7 order of the Commissioners within the time specified in such
8 order shall constitute a violation of this Act.

9 (b) In the event that any owner of property abutting
10 an unused or unsafe vault fails to remove in whole or in part,
11 reconstruct, repair, or close the same by filling, sealing, or
12 otherwise rendering unusable in a manner satisfactory to
13 the Commissioners within the time specified by them, the
14 Commissioners are authorized to apply to the District of
15 Columbia Court of General Sessions for, and the said court
16 is hereby authorized to issue, an order empowering the
17 Commissioners to enter upon the property of such owner for
18 the purpose of performing such work as may be necessary in
19 connection with the removal, reconstruction, repair, or clo-
20 sure of such vault, and the District and its officers and em-
21 ployees shall not be liable for any damage to real or personal
22 property which may result from the performance of any such
23 work, other than such damage as may be caused by the gross
24 negligence of the District or of any of its officers or em-
25 ployees. Process in connection with the application for such

1 order shall be served on the owner in accordance with the
2 rules of said court relating to the service of process in civil
3 actions. In the event such owner is not to be found in the
4 District after reasonable search and an affidavit to this effect
5 is made on behalf of the District, such process may be served
6 by publication for one day each week for three consecutive
7 weeks in a newspaper of general circulation in the District,
8 and, if service of process is by publication, a copy of such
9 process and publication shall be sent to such owner by cer-
10 tified mail at his last known address as recorded in the real
11 estate assessment records of the District.

12 SEC. 307. Notwithstanding the provisions of the pre-
13 ceding section, whenever the Commissioners find that any
14 vault or vault opening is in such condition as to be immi-
15 nently dangerous to persons or property, they shall immedi-
16 ately notify the owner, agent, or other person in charge of
17 the private property abutting the public space in which such
18 vault or vault opening is located, to cause such vault or
19 vault opening to be made safe and secure. The person or
20 persons so notified shall be allowed until 12 o'clock noon of
21 the day following the service of such notice in which to com-
22 mence making such vault or vault opening safe and secure:
23 *Provided*, That in a case where the public safety requires
24 immediate action the Commissioners may enter upon the

1 private property abutting the public space in which such
2 vault or vault opening is located, with such workmen and
3 assistants as may be necessary, and cause such vault or vault
4 opening to be made safe and secure. In any case in which
5 the Commissioners perform any work under the authority
6 of this section, the cost to the District of performing such
7 work shall be charged against the private property abutting
8 the public space in which such vault or vault opening is lo-
9 cated, and shall be collected in the manner provided by
10 section 308.

11 SEC. 308. (a) The Commissioners shall take such
12 action as they in their discretion consider necessary or
13 desirable to secure the payment to the District of rents due
14 and payable on vaults; interest on late rental payments;
15 the cost of any advertising required by this title; the cost
16 to the District of sealing off, removing in whole or in part,
17 filling, reconstructing, repairing, or closing a vault or vault
18 opening, or performing any other service in connection
19 therewith; and interest at the rate of 1 per centum per
20 month or part thereof in every case in which payment to
21 the District for the cost of performing work authorized by
22 this title is not made within thirty days after a bill for
23 such cost shall have been rendered.

24 (b) Charges authorized to be made by this title and
25 not paid within ninety days after the close of the fiscal year

1 in which such charges accrue shall be levied by the Commis-
2 sioners as a tax against the property abutting the public space
3 in which a vault is located, such tax to be collected as pro-
4 vided in this section. Such tax shall include, without limita-
5 tion, rents due and payable on vaults, interest on late rental
6 payments, costs for sealing off, removing in whole or in part,
7 filling, repairing, reconstructing, or closing a vault or vault
8 opening, interest on late payments of such costs, and any
9 advertising required by this title. The tax authorized to be
10 levied and collected under this section may be paid without
11 interest within sixty days from the date such tax was levied.
12 Interest of one-half of 1 per centum for each month or part
13 thereof shall be charged on all unpaid amounts from the ex-
14 piration of sixty days from the date such tax was levied.
15 Any such tax may be paid in three equal installments with
16 interest thereon. If any such tax or part thereof shall remain
17 unpaid after the expiration of two years from the date such
18 tax was levied, the property against which said tax was
19 levied may be sold for such tax or unpaid portion thereof with
20 interest and penalties thereon at the next ensuing annual tax
21 sale in the same manner and under the same conditions as
22 property sold for delinquent general real estate taxes, if said
23 tax with interest and penalties thereon shall not have been
24 paid in full prior to said sale.

25 SEC. 309. (a) The Commissioners are authorized to

1 require that the use of a vault occupied or used under the
2 authority of this Act shall be subject to the condition that
3 the District shall have the right at any time to install or
4 construct under, over, or through said vault any water pipe,
5 gas pipe, sewer, conduit, other pipe, or other public or
6 public utility underground construction that the Commis-
7 sioners may consider it necessary in the public interest to
8 place in the space occupied by such vault, without compen-
9 sation to the owner of the private property abutting the
10 space in which such vault is located or to the person occu-
11 pying or using such vault. Each person using or occupying
12 a vault, upon notice from the Commissioners that a water
13 pipe, gas pipe, sewer, conduit, other pipe, or other public
14 or public utility underground construction is to be introduced
15 in the space occupied by such vault, shall commence to
16 move, and forthwith remove, if necessary, any boiler, pipe,
17 wall, beam, machinery, or construction in or pertaining to
18 said vault, or any fixture or other thing therein, without
19 cost to the District, so as to leave a space clear and sufficient
20 in the judgment of the Commissioners for the introduction
21 and maintenance of any such underground construction or
22 installation. The Commissioners are further authorized to
23 require each applicant for a permit to construct a vault in
24 public space, as a condition precedent to the issuance of the
25 permit, to agree for himself and his heirs and assigns that

1 the Commissioners shall have the right to enter upon the
2 premises at any time for the inspection and proper maintenance
3 or repair of any public underground construction or
4 installation in such vault, and that in case there is any
5 change in the street, roadway, or sidewalk above such vault,
6 the vault shall be subject to a corresponding change, as
7 directed by the Commissioners, without expense to the
8 District of Columbia.

9 (b) In the event a person occupying or using a vault
10 under the authority of this Act shall fail or refuse to perform
11 or to permit the performance of any work required by the
12 Commissioners under the authority of subsection (a), the
13 Commissioners are authorized to apply to the District of
14 Columbia Court of General Sessions for, and said court is
15 hereby authorized to issue, an order empowering the Commissioners
16 to enter upon the private property abutting the
17 public space in which such vault is located for the purpose
18 of performing such work as may be necessary in connection
19 with the construction or installation in such public space of
20 any water pipe, gas pipe, sewer, conduit, other pipe, or other
21 underground construction or installation that the Commissioners
22 may consider it necessary or desirable to place in such
23 space, and the District and its officers and employees shall
24 not be liable for any damage to real or personal property
25 which may result from the performance of any such work,

1 other than such damage as may be caused by the gross neg-
2 ligence of the District or of any of its officers or employees.
3 Process in connection with the application for such order
4 shall be served on the owner in accordance with the rules
5 of said court relating to the service of process in civil actions.
6 In the event such owner is not to be found in the District
7 after reasonable search and an affidavit to this effect is made
8 on behalf of the District, such process may be served by
9 publication for one day each week for three consecutive
10 weeks in a newspaper of general circulation in the District,
11 and, if service of process is by publication, a copy of such
12 process and publication shall be sent to such owner by cer-
13 tified mail at his last known address as recorded in the real
14 estate assessment records of the District. The cost to the
15 District of performing such work, including, without limita-
16 tion, the reasonable cost to the District of securing the court
17 order authorized by this subsection and any advertising in
18 connection therewith, shall be a charge which may be levied
19 by the Commissioners as a tax against the property abutting
20 the public space in which a vault is located, to be collected
21 in the manner authorized by section 308.

22 SEC. 310. Nothing contained in this title shall be con-
23 strued as authorizing the Commissioners to impose a rental
24 charge for the use of any vault abutting real property on
25 which is located a single or two-family dwelling occupied

1 solely for residential purposes, but any such vault shall
2 otherwise be subject to the provisions of this title.

3 TITLE IV—REGULATIONS, INSURANCE, NOTICE,
4 PENALTY, CREDITING OF RENTAL PAY-
5 MENTS, AUTHORIZATION OF APPROPRIA-
6 TIONS, SEPARABILITY PROVISION, COORDI-
7 NATION WITH REORGANIZATION PLAN NUM-
8 BER 5 OF 1952 AND SECTION 2 OF THE ACT
9 OF MAY 31, 1900, AND EFFECTIVE DATES

10 SEC. 401. The Commissioners after public hearing are
11 authorized to make and promulgate regulations to carry
12 out the purposes of this Act. The regulations initially
13 adopted by the Commissioners under the authority of this
14 section to carry out the purposes of title III shall become
15 effective on the effective date of such title, if, not less than
16 ten days prior to such date, the Commissioners have adopted
17 such regulations and printed a notice of such adoption in a
18 newspaper of general circulation in the District. Otherwise,
19 the regulations adopted by the Commissioners under the
20 authority of this section shall become effective ten days
21 after notice of their adoption by the Commissioners has
22 been printed in a newspaper of general circulation in the
23 District.

24 SEC. 402. The Commissioners shall, in connection with
25 authorizing the use of any public space under the authority

1 of this Act, require the person authorized to use such space,
2 prior to any such use, to secure a policy of public liability
3 and property damage insurance providing for such minimum
4 limits of liability as may be required by the Commissioners,
5 such policy to include the District and its officers and em-
6 ployees as additional parties insured, and to be cancellable
7 only after thirty days' written notice of such cancellation has
8 been received by the Commissioners. No such use of public
9 space shall be authorized or continued for any period unless
10 such insurance is maintained in full force and effect during
11 that period. Nothing herein contained shall be construed as
12 requiring either the United States or the District to secure
13 a policy of public liability and property damage insurance
14 covering any use of public space by either of the said gov-
15 ernments under the authority of this Act.

16 SEC. 403. (a) Any order or notice required by this Act
17 to be served shall be deemed to have been served when
18 served by any of the following methods: (1) when for-
19 warding by certified mail to the last known address of the
20 owner as recorded in the real estate assessment records of
21 the District, with return receipt, and such receipt shall con-
22 stitute prima facie evidence of service upon such owner if
23 such receipt is signed either by the owner or by a person of
24 suitable age and discretion located at such address: *Provided,*
25 That valid service upon the owner shall be deemed effected

1 if such order or notice shall be refused by the owner and not
2 delivered for that reason; or (2) when delivered to the per-
3 son to be notified; or (3) when left at the usual residence
4 or place of business of the person to be notified with a person
5 of suitable age and discretion then resident or employed
6 therein; or (4) if no such residence or place of business can
7 be found in the District by reasonable search, then if left
8 with any person of suitable age and discretion employed at
9 the office of any agent of the person to be notified, which
10 agent has any authority or duty with reference to the land
11 or tenement to which said order or notice relates; or (5) if
12 any such order or notice forwarded by certified mail be
13 returned for reasons other than refusal, or if personal service
14 of any such order or notice, as hereinbefore provided, cannot
15 be effected, then if published for one day each week for three
16 consecutive weeks in a daily newspaper published in the
17 District; or (6) if by reason of an outstanding unrecorded
18 transfer of title the name of the owner in fact cannot be
19 ascertained beyond a reasonable doubt, then if served on the
20 owner of record in a manner hereinbefore provided. Any
21 order or notice to a corporation shall, for the purposes of
22 this Act, be deemed to have been served on such corporation
23 if served on the president, secretary, treasurer, general man-
24 ager, or any principal officer of such corporation in the man-
25 ner hereinbefore provided for the service of orders or notices

1 on natural persons holding property in their own right; and
2 orders or notices to a foreign corporation shall, for the pur-
3 poses of this Act, be deemed to have been served if served
4 personally on any agent of such corporation, or if left with
5 any person of suitable age and discretion residing at the
6 usual residence or employed at the usual place of business
7 of such agent in the District.

8 (b) In case such order or notice is served by any
9 method other than personal service, notice shall also be
10 sent to the owner by ordinary mail.

11 SEC. 404. Any person who shall violate any provision
12 of this Act shall be punished by a fine not exceeding \$300 or
13 by imprisonment for not more than ten days. In addition,
14 such regulations as may be adopted by the Commissioners
15 under the authority of this Act may provide for the imposi-
16 tion of a fine of not more than \$300 or imprisonment for not
17 more than ten days for each and every day any public space
18 is used or occupied in a manner or for a purpose specifically
19 prohibited by the said regulations.

20 SEC. 405. Rent paid for the use of public space under
21 the authority of this Act shall be deposited to the credit of
22 such special funds or general fund of the District in such pro-
23 portions as the Commissioners shall, in their discretion, de-
24 termine.

SEC. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

SEC. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this Act and the said regulations are separable.

SEC. 408. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 409. Nothing contained in this Act shall be construed to affect or diminish in any manner the authority vested in the Commissioners by section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7-117), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accord-

1 ance with the terms of the fourth proviso of such section 2,
2 relating to the height of parking and the projection of build-
3 ings beyond the building line, the District's right-of-way
4 through said parking for sewers and water mains free of
5 cost, and the use of the parking by the District for the con-
6 struction of sidewalks.

7 SEC. 410. Titles I and IV of this Act shall take effect
8 on the date of approval of this Act. Title II shall take
9 effect the first day of the first month which occurs more
10 than thirty days after the Commissioners have first adopted
11 and promulgated regulations to carry out the purposes of
12 such title. Title III shall take effect on the 1st day of July
13 which occurs three months or more after the date of approval
14 of this Act.

who have dangerous sidewalk vaults, to fix them up. I don't think this is really the Commission's concern but in these two bills, both of these bills provide any structure built in public space would have to receive the approval, not the advice but the approval of both the Planning Commission and the Fine Arts Commission.

CHAIRMAN WALTON: We are in favor of this legislation, I think.

MR. ATHERTON: It gives fairly good insurance.

CHAIRMAN WALTON: Let's move on.

MR. ATHERTON: That really concludes it except for the subway.

This drawing (indicating) is a drawing of the old station, which they just show by comparison.

CHAIRMAN WALTON: Put them side by side so we can compare them.

MR. ATHERTON: This is the old concept, and that is the revised concept; and this same section would apply throughout the entire system, the only difference being the dimension and radius of that curve up there. The curve essentially would almost be the same but the dimension would have to vary.

MRS. SAARINEN: Also, where the tracks are varies.

MR. ATHERTON: That's right.

MRS. SAARINEN: In other words, the train would come in the center or on the sides, depending --

Exhibit J'

who have dangerous electrical habits, as you know. I think
this time is really the best time to make a
two bills, each of them with its own set of
public space which have to be done the same way.
I have not the approval of both the standing committee and
the Finance Committee.

CHAIRMAN WILSON: We are in favor of the bill.
I think.

MR. WILSON: It is a bill to amend the
CHAIRMAN WILSON: That is all right.
MR. WILSON: That is all right. I think
enough.

This is a bill (introduced) as a bill
which will be a bill.
CHAIRMAN WILSON: That is all right.
I think.

MR. WILSON: This is the bill.
The bill is a bill to amend the bill.
The bill is a bill to amend the bill.
The bill is a bill to amend the bill.
The bill is a bill to amend the bill.

MR. WILSON: That is all right.
MR. WILSON: That is all right.
MR. WILSON: That is all right.
MR. WILSON: That is all right.

MR. ATHERTON: The exception to this is the line that goes down G Street and of course there are buildings over here, so they were not able to develop the same section. Apparently there are some technical problems that prevent them from doing the same kind of treatment.

MRS. SAARINEN: I am curious about where the tracks are, because where they are in the middle, it's much prettier than where the tracks are on the sides -- like on Rhode Island. See what I mean? If you look here, there is one section like this which is very nice; then there's one like this which is less nice. I assume that that is because they can't do it any other way, but certainly this is much prettier (indicating).

Do you see Rhode Island?

MR. ATHERTON: That's up above grade, of course; that is out of doors.

MRS. SAARINEN: Oh, I see. But this doesn't look outside to me.

MR. ATHERTON: No, that one isn't.

MRS. SAARINEN: All right, what is that one?

MR. ATHERTON: I'm not sure which one it is. Probably Dupont Circle.

MRS. SAARINEN: All right, then that's another example. What I am saying is that this (indicating sketch) is prettier than this one. I'm trying to understand. The Judiciary, where

the tracks are in the center, the platforms are at the side with the free-standing sculpture, and the mezzanine which I think is prettier than Dupont where you have trains coming in -- no, wait a minute; it's not Dupont -- whatever this design is, where the tracks are on the side and the platform in the middle. I think we should just ask. Maybe that's an earlier idea or a place where it has to be.

MR. ROSZAK: That's sometimes necessary when they transfer, you know, from one train to another.

MRS. SAARINEN: It may be, but I am curious. It looks like a different idea.

MR. ROSZAK: It is a transfer point.

MR. BUNSHAFT: I think this looks like a Moore as far as I'm concerned -- a cyclinder and then you put spaghetti sculpture on it, and I don't think this is nice, changing the materials. Seems to me the peice of sculpture should be all of one material, because this is a piece of machinery and it's suddenly made of bronze. The other thing is this railing business. It seems to me we have this little wall here and then it's not high enough for protection, so they have a rail behind it, and I think here (indicating on drawings) going into a glass railing on an escalator, that's kind of an elegant thing maybe for a department store, but this glass will get dirty. It seems to me this ought to be the right height sculpturally

without a rail; maybe just a little rail on top for people to handle.

I know he'll say, because he's talked to me about it, a view when you're up here looking down -- I think this is unnecessarily fussy. It seems to me it would be purer sculpture if that were one material coming down as a sculptural form, and high enough for safety.

CHAIRMAN WALTON: Yes.

MR. BUNSHAFT: I think myself that the cylinder, the shape is quite a work of art. I think it is beautifully done. It's a very subtle thing, but I don't think the sculpture yet has quite arrived.

MRS. SMITH: Couldn't they have just a hand rail at the top?

MRS. SAARINEN: The thing that is good about TWA, if I may say so, is it's all one family of things.

MR. BUNSHAFT: In the first place, it's in the wrong place, anyway, for getting hold of it. It's outside, you know, far away. This thing could be fabulous now if you look at the shape of it.

MRS. SAARINEN: I suggest you look a little bit at TWA where it was thought through, where you make the interior sculpture thing.

MR. BUNSHAFT: This is neither fish nor fowl. It

ought to come out to here (indicating) and then a little rail at the top. In fact, if you get down to it, this is wrong because the rail is over on the other side. Outside of that, it's beautiful.

CHAIRMAN WALTON: Let's have them in.

MRS. SAARINEN: Let's congratulate them and I still want to ask about this. I don't know if it is an earlier idea.

CHAIRMAN WALTON: When they're here, let's ask.

MR. BUNSHAFT: They may be transfer points.

MRS. SAARINEN: Well, that's all I want to know.

CHAIRMAN WALTON: Well, they are the people to ask.

MRS. SAARINEN: It's beautiful, a hell of a long way from Hansel and Gretel in the beginning. We had rocky crags and Old Heidelberg -- really.

MR. BUNSHAFT: This is really going to be poetic.

MRS. SAARINEN: I think one has to keep an open mind about the coffering. That particular one (indicating) isn't very pretty.

(Mr. Weese and party entered the conference room.)

CHAIRMAN WALTON: Well, gentlemen, we are very happy with the progress which seems to have been made. You would have liked the conversations that we've been having for the last half-hour about the design.

I suggest that the architect just come up. We are

30
having what is essentially a private session, and the public is not here, so anything goes. We'd like the architect to come on up. We think this is a magnificent new approach, and it is what we have been talking about all the time. We are delighted with it, and we have a lot of questions to ask. There will always be questions on many of the details, but in fact the new approach is the most exciting thing we've seen in a long time.

Mrs. Saarinen has a minor question we couldn't answer, so you answer her.

MRS. SAARINEN: I was just curious about the tracks being on the side instead of the center. Is that because of some transfer point or something, or is this an earlier idea?

MR. WEESE: This is Union Station which is so narrow you have to do that.

MRS. SAARINEN: This is just one variation and basically it will be this beautiful thing with the tracks there?

MR. WEESE: Yes.

CHAIRMAN WALTON: Mr. Roszak. Do you want to add something?

MR. ROSZAK: Yes, I was questioning this area here (indicating prototype section), in view of the light, space and security. How are you going to arrange for safety and security of passengers? And then, if this is going to be a

light source, how is it going to be kept from getting inundated with debris, rubbish and whatnot?

MR. WEESE: Well, this is a normal railing, you see, three feet high and this is 18 inches high (indicating on drawing), so it is a typical situation.

MR. ROSZAK: But superimposing the railing on the concrete design?

MR. WEESE: Well, you see we have it here --

CHAIRMAN WALTON: Well, at that point, Mr. Bunshaft had an observation about those railings.

Gordon.

MR. BUNSHAFT: Harry, which coffering are you thinking of, the one in the model or the one on the left here?

MR. WEESE: We think this (indicating a drawing) is obsolete.

MR. SASAKI: Well, speaking about coffering, may I ask a question? This is a grid pattern, so is there any structural logic to the one that is diagonal?

MR. WEESE: That is the one we wanted in the beginning but it doesn't have structural logic.

MR. SASAKI: It doesn't? Okay.

MR. BUNSHAFT: I think I could maybe even answer that one. These ribs are really beams, and if you make them diagonal, you are increasing the length of them so you are just

1
last season, now it is going to be much more difficult to
dashed with... (unclear)...

MR. WELLS: Well, this is a... (unclear) ...
... (unclear) ...
... (unclear) ...

MR. WELLS: ... (unclear) ...
... (unclear) ...

MR. WELLS: ... (unclear) ...
... (unclear) ...
... (unclear) ...

... (unclear) ...
MR. WELLS: ... (unclear) ...

... (unclear) ...
MR. WELLS: ... (unclear) ...
... (unclear) ...

MR. WELLS: ... (unclear) ...
... (unclear) ...
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MR. WELLS: ... (unclear) ...
... (unclear) ...
MR. WELLS: ... (unclear) ...

MR. WELLS: ... (unclear) ...
... (unclear) ...
... (unclear) ...

increasing the cost.

Harry, I think we all think the shell is fabulous. The form that has evolved finally is quite beautiful and is not easy to do, either. It's not an oval. I think we think the sculptural element which fits in, you know, this balcony and escalator is not quite pure enough. We all think, especially if you look in that section over there, this drawing is a little deceiving -- (indicating on model) -- this railing ought to be -- is it concrete?

MR. WEESE: It's concrete structure.

MR. BUNSHAFT: It ought to come up to 2'6" with a little rail on it, and that same principle ought to be carried throughout.

MR. WEESE: That is very simple.

MR. BUNSHAFT: I really think that this rail on the outside is messy (indicating on drawing), and you'll really get a wonderful sculptural effect if you just have a pure form on the center or closer to the people, you know, plus a bronze rail.

That brings up the next thing, in that it is one great big piece of sculpture. This (indicating on drawing) ought to be the same material. To suddenly introduce the bronze it seems to me you are really doing sculpture and we all feel it would be wonderful and I'm not sure a glass rail is quite the thing for a

subway because it would get dirty, you know, and you have to have access to these things.

MR. WEESE: There might be real trouble with that one because of clearances. You see this metal work is only a quarter inch thick, and we're very snug on all the machinery and if we put concrete -- also if we bring this material, we violate something we thought very important. You bring the material in within human reach, and you begin to touch it.

MR. BUNSHAFT: That's a real point but for the moment -- it's not good looking.

MR. WEESE: Let's say this machine which is something quite different, reaches up from the platform and they meet here.

MRS. SAARINEN: Well, Harry, I know you keep carping on this, but I see it happen all the time: is there some other material which would, you know, if you made an investigation, with which you could have the same thinness which you need but would look more in character with the whole sculptural thing? Is there something? I don't know -- unbaked ceramic or something?

MR. BUNSHAFT: What about exploring this thought? First make part of the thing here as the shapes, eventually you get up -- you get this up (indicating on drawing) and this becomes a solid and let's say it's metal, maybe black. Something very strong. I think what we're talking about is the

fussiness of this stuff, this connection. And these different heights of rails. Once you got everything, shall we say, of one height, you could then make a sort of black tip on the thing.

MRS. SAARINEN: What I meant is, is there some material?

MR. BUNSHAFT: Well, anodized bronze, real dark.

MRS. SAARINEN: Something unshiny.

MR. BUNSHAFT: Well, black. Black. What would you think? I think you have a point. I think probably, you know -- I say black would look pretty good like a tip, you know, but I think once you straightened out all these different levels, I think it would look pretty good.

CHAIRMAN WALTON: But no glass don't you think?

MR. BUNSHAFT: No glass.

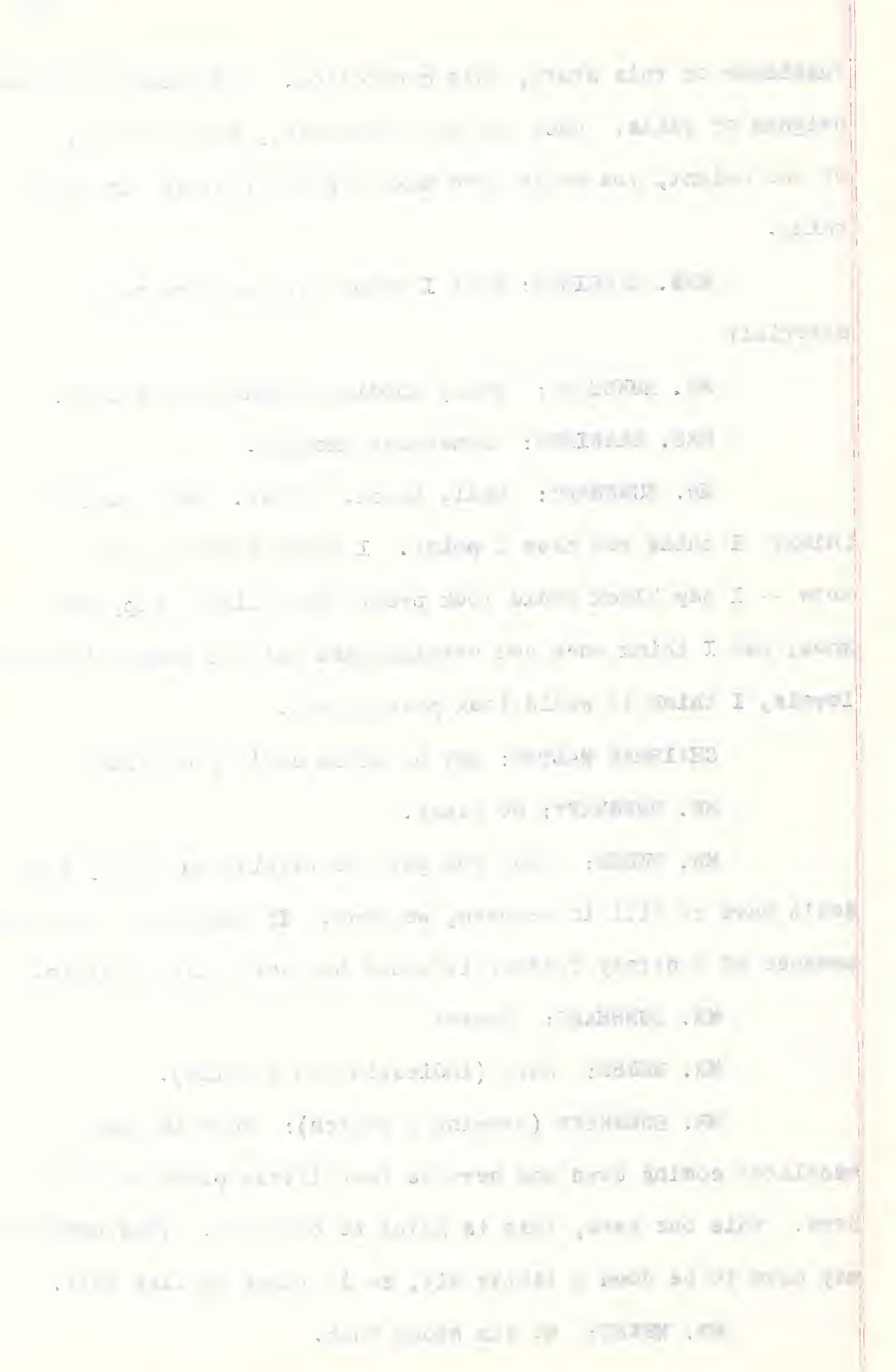
MR. WEESE: Once you get the railing up there, you don't have to fill in between, we hope. If there were any glass because of a safety factor, it would be just a little strip.

MR. BUNSHAFT: Where?

MR. WEESE: Here (indicating on drawing).

MR. BUNSHAFT (drawing a sketch): Here is your escalator coming down and here is that little piece of black here. This one here, this is going to be black. This concrete may have to be down a little bit, so it lines up like that.

MR. WEESE: We can study that.



MRS. SAARINEN: You are going to have to design this really almost on an enormous mock-up.

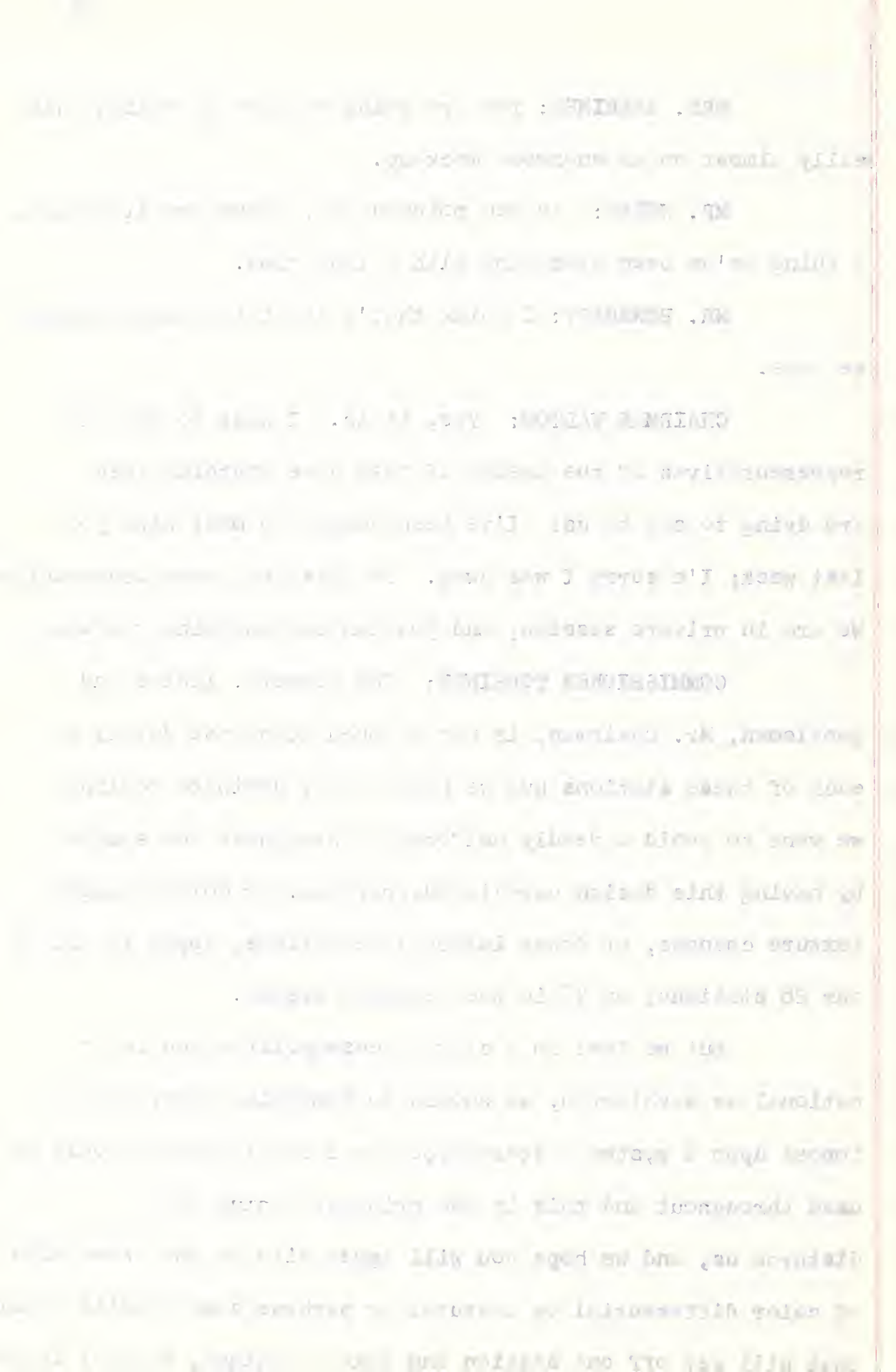
MR. WEESE: As you pointed out, these are difficult. A thing we've been wrestling with a long time.

MR. BUNSHAFT: I think that's about the only comments we have.

CHAIRMAN WALTON: Yes, it is. I want to ask the representatives of the agency if they have anything they are dying to say to us? I've been unable to meet with you last week; I'm sorry I was away. So this is a good opportunity. We are in private session, and you can say anything you want.

COMMISSIONER TOBRINER: Our concern, ladies and gentlemen, Mr. Chairman, is not so much about the detail of each of these stations but we have a very definite feeling we want to avoid a deadly uniformity throughout the system by having this design unrelieved, perhaps, by color changes, texture changes, or other internal deviations, apply to all of our 28 stations, or 48 in the regional system.

But we feel in a city as cosmopolitan and international as Washington, we should do something other than to impose upon a system a stereotype for a station which would be used throughout and this is the principal thing that disturbs us, and we hope you will agree with us that some kind of color differential or textural or perhaps some details really that will set off one station and make it unique, so that if you



are slightly to the wind, you know you're in that station and not in another.

CHAIRMAN WALTON: Well, our position has been basically that we wanted the expression of the structural system to be so beautiful that it would have established a basic pattern for all the stations, and we wanted desperately to avoid the Hansel and Gretel approach that the old Moscow subway certainly had. Even the Russians now have abandoned completely identification of stations by interior decoration. We are passionately against that, in a word.

Mr. Roszak.

MR. ROSZAK: I'd like to point out that the answer to your concern is right in that diagram. In other words, when you look at the sectional variation of this concept, all the differences that you are expecting exist on that level. In other words, if you have a basic design which is interesting and constantly growing to other forms, that is where your variation appears, not in terms of surfaces but in terms of form as structure. If you have that, then any other modification is feasible, but not principally the important variation.

CHAIRMAN WALTON: Mr. Sasaki.

MR. SASAKI: Well, I think that is certainly one valid point of view, to get differences; but then if you look

at the world about us, we have so many differences of a sort of minute scale that you kind of wish for some sort of -- well, integration or unity -- and so I think you can say there is some logic in a system like this which really is a system, to have some sense of unity or continuity.

I think the people too will give it vitality and a sense of life.

CHAIRMAN WALTON: Mrs. Smith.

MRS. SMITH: There aren't any studies here that really show the amount of signing that is necessary, which I think is a very interesting thing -- lettering, directions -- that will come, and I think it will make a tremendous difference and the whole lighting pattern related to that will provide --

CHAIRMAN WALTON: We are now in a structural phase.

MRS. SMITH: I think that will take care of a lot of the things Mr. Tobriner is talking about.

MRS. SAARINEN: I think we should, though, be very clear about this because I think it is exactly this thing which we have been arguing against before, this new experience at every station. We gave Harry Weese a very rough time, I think, insisting the whole new marvelous thing we could do with this would be, as Mr. Sasaki said, a system. We did not want to have gimmicky things to "enliven each station."

As Mrs. Smith said, just the signs are enough.

I don't really believe if I'm on a subway I come to and say,

"Oh, that's the blue station; I've got to get off here."

Really that isn't the way one rides in a subway, and this could be beautiful and restful, so to speak, and at the same time a nice place to be. I think we should not fudge around by saying, well, when we get to the details maybe we'll do this. I think we really don't want different colors and different -- I'm thinking of the Montreal subway system, for instance, which does have different stations but it's a whole different concept.

How do you feel, Harry?

MR. WEESE: Well, I feel very good.

(Laughter)

MRS. SAARINEN: No, I mean on this subject.

MR. BUNSHAFT: Leave him alone.

MR. WEESE: I think the responsibility to build the system is paramount; there's no way around it.

CHAIRMAN WALTON: Mr. Bunshaft.

MR. BUNSHAFT: I think it is sort of fashionable now, after traveling around on various subways being built, to give the idea each station is a separate kind of building and some sort of thing, and I think that is awful. I think if you get a good solution, if an architect does a good solution, he is not going to have fourteen little variations and have them all good. But that's a minor point.

I think if this system is built identical, just as the train that comes into it is the same train, if this is a beautiful design, it would be unique in the world if it were done as a unified system, both the train and the spaces you get into after you get off the train. And also to build a system that won't have billboards and that will really be a handsome, honest structure, you don't have to do any more than that. Anything beyond that is just weakening the statement, and I think we are all saying the same thing, in kinder and less kind words -- mine being the least kind -- but I do think we all feel that.

CHAIRMAN WALTON: Oh, there has certainly been unity in the Commission on this subject.

MR. BUNSHAFT: I think a system that is dignified and appropriate for the capital of this country --

MRS. SAARINEN: I think that's very important because systems of interior decorating look very dated and this thing has to look just as well a hundred years from now as it does now. I think the big lesson in Washington is that all the fancy buildings look terrible, and all the very serious, direct buildings have survived with time. You can imagine this looking well, whereas all these little changes in colors and everything is the vogue today, and this should not be voguish.

MR. BUNSHAFT: I want to add one more thing. I think

the whole idea of having different architects finish these off, I think they ought to be just pure draftsmen; there shouldn't be the slightest variation in detail on the entire job. This is a system. You're not putting in a little folk art each place, just as you're not having one car purple and one green, and you're talking about a subway system, not a --

CHAIRMAN WALTON: Mr. Sasaki.

MR. SASAKI: I just want to ask Harry, your rendering shows a sort of warm color, that concrete. The model shows more gray. Have you thought whether it would be a gray sort of material, whitish or --

MR. WEESE: No, we think the warmth is very important, the missing sunlight. That is just plaster there.

CHAIRMAN WALTON: Yes.

MR. SASAKI: You can get some of this in color for your lighting, too. Perhaps mercury vapor for efficiency but you could get a warmer light instead of a cold one.

MR. BUNSHAFT: What would be nice is if the car coming into the station -- there isn't much car left -- it's all windows -- but if the seats in that were brilliant red or something; when that arrives, you know, it would be a bit of color.

CHAIRMAN WALTON: I'd like a red train.

MRS. SAARINEN: Yes.

MR. BUNSHAFT: So would I, except these trains

haven't very much left to paint. They are all glass, aren't they?

MR. WEESE: I don't know. They've not been designed so far as I know.

CHAIRMAN WALTON: Oh, make them red.

MR. BUNSHAFT: A wonderful thing is the red trains in London. That would give you color, but as I understand it, there's a lot of glass.

MRS. SAARINEN: Well, what isn't glass?

MR. BUNSHAFT: I don't know what they're glass for, if you look at the walls, the sides of the walls in a subway. I guess it's for when you get outdoors.

I think it would be awful if there were any variation except the sculptural thing may vary, but all in the discipline.

CHAIRMAN WALTON: The sculptural little effect coming in and all that would vary, of course, but on the same design principles, railings, and so forth, materials.

MR. ROSZAK: Absolutely.

MR. WEESE: Well, that's a very important issue, and I think you get that question whether you should build town houses all the same or have them varied, and so on. It is all part of this thing of the unity and unit of repetition, and I admit Montreal has had a tremendous impact on the thinking of a lot of people who are concerned.

never, I very much left to him. They are all dead, except

they

MR. WILSON: I don't know. They are all dead, except

to me as I know.

MR. WILSON: I don't know. They are all dead, except

MR. WILSON: I don't know. They are all dead, except

in London. They would like you to go, but I don't know

there's a lot of them.

MR. WILSON: I don't know. They are all dead, except

MR. WILSON: I don't know. They are all dead, except

if you look at the walls, the sides of the walls, the

I guess it's for when you get outdoors.

I think it would be better if they were all dead

than except the soldiers, being any more, but all in the

disposition.

MR. WILSON: I don't know. They are all dead, except

counting in and all that would be of course, but in the end

better to have them, rather, and so forth, especially

MR. WILSON: I don't know. They are all dead, except

MR. WILSON: I don't know. They are all dead, except

I think you are quite right, but I don't know

because all the same of have been killed, and so on. It is

all part of the thing of the body and all of it, especially

and I don't know, but I don't know

of a lot of people who are interested.

MR. BUNSHAFT: But they are really shopping centers with trains going through them, and we are talking about a subway system.

MRS. SAARINEN: This really will look better, I am convinced, 50 years from now, than the Montreal system would. Montreal is very contemporary, and it's very pretty.

CHAIRMAN WALTON: You won't have to wait 50 years for this to look better, I promise you. As soon as it's built, it will look better.

MRS. SAARINEN: Yes, but I think also this thing of dignity and the Federal city as Gordon says, has something to do with it. We'd be embarrassed to have Montreal in Washington.

MR. WEESE: Since Washington has a height limit and cornice line, too, maybe such a system as this fits in this kind of environment.

MR. BUNSHAFT: It would fit in any city. We are lucky to get a simple strong statement that is beautiful for this city.

MR. SASAKI: This is a system, and there is logic for it being similar, while buildings such as town houses and office buildings can be quite different because they are different; but here I think you have both a movement system, a linear system, continuity of experience, and so forth, so I

MR. BAKER: The first thing I noticed when I stepped out of the car was a warm blanket of silence. The air was thick with the scent of pine and the distant hum of traffic. I took a deep breath, feeling the coolness of the night air against my skin. The stars were out, and the moon was a pale, silvery disk in the sky. I felt a sense of peace and tranquility that I had never experienced before. It was as if the world had stopped for a moment, and I was the only one left standing in the middle of it. I looked up at the stars, feeling a sense of awe and wonder. The universe was so vast and beautiful, and I was so small and insignificant in comparison. I felt a sense of humility and a sense of connection to something greater than myself. I closed my eyes and took another deep breath, feeling the warmth of the sun on my face. I knew that this was a special moment, and I wanted to savor it for as long as I could. I opened my eyes and looked at the moon, feeling a sense of longing and desire. I wanted to reach out and touch it, to feel its coolness and its light. I knew that I could never do that, but I felt a sense of hope and a sense of possibility. I felt that I was on the edge of something new and exciting, and I was ready to take the leap. I took a step forward, feeling the ground beneath my feet. I knew that this was my chance, and I was not going to let it slip away from me. I took another step, and then another, until I was standing in the middle of the field. I looked up at the stars, feeling a sense of awe and wonder. The universe was so vast and beautiful, and I was so small and insignificant in comparison. I felt a sense of humility and a sense of connection to something greater than myself. I closed my eyes and took another deep breath, feeling the warmth of the sun on my face. I knew that this was a special moment, and I wanted to savor it for as long as I could. I opened my eyes and looked at the moon, feeling a sense of longing and desire. I wanted to reach out and touch it, to feel its coolness and its light. I knew that I could never do that, but I felt a sense of hope and a sense of possibility. I felt that I was on the edge of something new and exciting, and I was ready to take the leap. I took a step forward, feeling the ground beneath my feet. I knew that this was my chance, and I was not going to let it slip away from me.

think it is kind of forcing the issue by making them different. That is the unique quality.

MR. WEESE: Just for the record, we had boiled down to two kinds of stations and with a certain amount of persuasion we were able to say that one kind would be three times as good as two kinds.

MR. SASAKI: Yes, I think the variations will come in the handling of your platform, the rails, signs and things of this sort. Inevitably you're going to get this kind of variation.

MR. ROSZAK: Also I think this becomes a sculptural concept. All your variations are secondary variations in a form that will produce the variety that the Commissioner is concerned about.

CHAIRMAN WALTON: Well, I think we've all had an opportunity to express our opinions. If no one has anything new to add, we should terminate our subway lecture.

MRS. SAARINEN: With congratulations.

MR. BUNSHAFT: Well, we'll see samples.

CHAIRMAN WALTON: Oh, yes.

MRS. SAARINEN: We'll see everything as it goes along.

CHAIRMAN WALTON: Yes. School isn't out.

MR. SASAKI: One rather facetious remark to make, in your renderings and so forth, those that are eye level are more successful than those that are high, including these drawings

There is a great deal of talk about the future of the world, but it is all very uncertain.

Mr. Smith: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

Mr. Jones: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

Mr. Brown: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

Mr. White: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

Mr. Black: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

Mr. Green: I am not sure about the future, but I am sure about the present. I am sure that the world is a very interesting place, and I am sure that it is a very beautiful place.

because the roof seems suppressive, you know, pressing down when they are high but when you're down low, it looks much better, so all your publicity releases should be at eye level.

MR. WEESE: I think I should say I do have a client.

CHAIRMAN WALTON: Well, we would be happy to hear from the client.

MR. WEESE: There's approval on two stations only, pending further consideration of the system concept. I think that has to be borne in mind.

This is Mr. Jackson Graham.

MR. GRAHAM: Mr. Walton, without clearing this question with my bosses here, I'd just like to ask how the Commission sees the question of the public taste. We know that millions of people go through Montreal and like the variety and everything. Here I think possibly we're trying to raise the public taste. But beyond that, we are going to have 200 million or 300 million people a year going through this system. What are they going to think about this system and is it important to the Fine Arts Commission and the authorities?

CHAIRMAN WALTON: It is very important to this Commission, and we face this problem daily in the rest of the City of Washington, and the control we have over the facades of the Federal area, this is one of our real canons that with public support we've been able to control what you might call commercial development, a commercial approach to architecture,

and for the good of all impose canons of simplicity and good taste, and we'd hope to be able to have the same effect on a subway system; that it was integrated with all of our other projects throughout the city, and in general we feel that this approach does provide that integration of design throughout the city.

We find in the end we have enormous public support for our approach to the Federal area, and if we deviate a little bit, we get a storm of letters of protest. The people care a great deal about it. Often you step on the toes of individual owners and so forth, and I briefly hate you, and scream but five years later you find they are happy they had to conform, too.

MR. GRAHAM: Do you think the average public citizen, if there is such a thing, would first say this is too deadly monotonous and later grow to like it and respect it from constant use?

MR. BUNSHAFT: I don't think he would say it is deadly monotonous. I think he would say it is thrilling. Show me a subway where you have a dome effect floodlighted with a rich pattern any place in the world. I think you people have this monotonous thing, but I don't think anybody else has.

I think this would be fabulous. There's not a subway like it. It would be a relief to come into a place that is --

and let's use the word plainly -- as elegant as this not full of billboards. It would be an entirely different world. He wouldn't recognize it was a subway.

I think monotony is a silly word. I think this is perhaps the most beautiful thing we have had before us in a long time here, and the public taste does not have to have bad design to be happy. I've been at it 30 years, and I have never -- when we think we do a pretty good building, people seem to like it. When you do a bad building, they seem not to. We're not dealing with department stores or selling Chevrolets here where you assume the taste is bad.

MRS. SAARINEN: You know about public taste; isn't it true people do rise to something that is good?

MR. WALKER: Yes, I think they will, and I also back the design as it is esthetically. I think it is a beautiful design, and I find the taste of the public is very high. I think they will like it very much. I'm not sure your idea of monotony -- I see from a purely theoretical point of view how you arrive at this anxiety about monotony, but the individual who travels from station to station, I think will feel himself oriented immediately when he steps off the train. If you have a beautiful building in which he is going, I think he will have a sense of pleasure and happiness.

MR. BUNSHAFT: Of course the good tone and warm lighting is something unique to begin with.

MR. WALKER: Everything depends on not having

billboards, having it beautifully lighted, and a satisfactory design; and I think you will find you have the finest subway in the world with these stations.

MR. BUNSHAFT: I doubt if anybody would find a station by change of decor. I think I'd look for that sign and not depend on whether it was the colonial one or something.

CHAIRMAN WALTON: This is right.

MR. WALKER: You're not told by your friends to get off when you get to a colonial station, but get off when you come to M Street or Dupont Circle.

MRS. SAARINEN: Also you know I deal a lot with public taste, and I find a lot of it is much better than we think it is, and then there are an awful lot of people who wait to be told something's good and then they love it, and in the end you really don't have to worry. No -- I'm quite serious. A lot of people I think instinctively would respond. I have seen people walk into beautiful buildings and they do respond. Take a child walking into Grand Central Station and see him react to a big space. Your rotunda -- people come in with a sense of awe, and I think this would have that kind of impact and would be something, you know, which makes you feel a little bit taller.

CHAIRMAN WALTON: But won't the principal things which

...and I think you will find the most interesting
in the world with these relations.

MR. BUNNELL: I agree it would be very
interesting to know whether it was the colonial and or
other and not depend on whether it was the colonial and or
other.

CHAIRMAN: That is right.
MR. BUNNELL: You're not told by your committee to
say when you get to a colonial it is not the colonial but
it is the colonial.

MRS. BUNNELL: Also you know I don't know with
the colonial, and I think it is a very common thing
to say, and that there are no more of people who
want to be told something's good and that they love it, and
in the end you really don't have to worry. No -- I'm sorry
to say. A lot of people I think instinctively would rather
I have seen people with into something and they
trouble. Take a child and they are very much
the same to a big group. Your committee -- people want to
know of me, and I think this would be the kind of thing
and would be something, you know, which would be very
big thing.

CHAIRMAN: But what is the question?

attract riders to the subway be comfort and speed, to begin with, and certainly these designs do not interfere with either of those principal things. The bulk of riders -- that's how you'll get them in there -- rather than word-of-mouth saying, "Oh, have you seen the subway?"

MRS. SAARINEN: But I think you'd get that too. I think you really would.

MR. BUNSHAFT: Sometime we ought to see an end, Harry. That could be a nice hole.

MR. WEESE: Yes. You have the mezzanine and the escalator.

CHAIRMAN WALTON: But we're discussing fundamental things.

MR. GRAHAM: I think these answers are exactly what I was looking for, and you have been very kind to furnish us with transcripts in the past. This will help us.

CHAIRMAN WALTON: Do you want them? I had hoped the last one would be useful.

MR. GRAHAM: Yes, it is helpful.

CHAIRMAN WALTON: They're a little verbose sometimes, but if you can plow through and read the dialogue --

COMMISSIONER TOBRINER: Thank you very much.

CHAIRMAN WALTON: Thank you, gentlemen.

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90TH CONGRESS
1ST SESSION

S. 1246

*Same as
H. R. 12508*

IN THE SENATE OF THE UNITED STATES

MARCH 9, 1967

Mr. TYDINGS introduced the following bill; which was read twice and referred
to the Committee on the District of Columbia

A BILL

To authorize the Commissioners of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under their jurisdiction, other than freeways, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "District of Columbia
4 Public Space Utilization Act".

5 SEC. 2. The Congress finds that on occasion there is
6 need within the District of Columbia for public space in,
7 on, over, and under the streets and alleys to be used in a
8 manner not inconsistent with the right of the general pub-

Exhibit I

1 lie to use such streets or alleys for purposes of travel, for
2 the purpose of constructing in such space buildings or por-
3 tions of buildings having for their purpose, either wholly or
4 in principal part, the providing of essential public facilities,
5 or to be utilized for governmental or business purposes. The
6 Congress further finds that the use of such space, properly
7 controlled and supervised by appropriate governmental agen-
8 cies, will benefit the District and will provide an incentive
9 for additional investment, particularly in the central busi-
10 ness district. Accordingly, the Congress intends by this
11 Act to authorize the Commissioners of the District of Colum-
12 bia to lease space in, on, over, and under the streets and
13 alleys of the District under their jurisdiction, other than
14 freeways, or to use or permit the use of such space, for the
15 purpose of constructing therein buildings or parts of build-
16 ings having for their purpose, either wholly or in principal
17 part, the provision of essential public facilities, or to be used
18 for governmental or business purposes, except that nothing
19 herein contained shall be construed as being applicable to
20 the use of public space (1) in accordance with the provi-
21 sions of regulations heretofore or hereafter promulgated by
22 the Commissioners under the authority of the first para-
23 graph under the caption "District of Columbia" of the Act
24 approved March 3, 1891 (27 Stat. 868), as amended (D.C.
25 Code, sec. 5-204). (2) by a public utility company for the

1 installation and maintenance of any of its equipment or facili-
 2 ties, under permit issued by the District, (3) under the
 3 authority of subsection (d) of the first section of the Act
 4 approved December 20, 1944 (58 Stat. 819), as amended
 5 (D.C. Code, sec. 1-244 (d)), or (4) under the authority
 6 of section 7 of the Act approved September 1, 1916 (39
 7 Stat. 716), as amended (D.C. Code, sec. 7-901).

8 SEC. 3. When used in this Act—

9 “Commissioners” means the Commissioners of the
 10 District of Columbia.

11 “District” means the District of Columbia.

12 “Freeway” means any limited access divided high-
 13 way within the District.

14 “Public space” means so much of the space above,
 15 on, or below a street or alley as the Commissioners shall
 16 find is not needed for the purpose of travel by the gen-
 17 eral public.

18 “United States” means the Government of the
 19 United States or any department or agency thereof,
 20 including, without limitation, any agency established or
 21 authorized to be established by Act of Congress or by
 22 interstate compact to which consent of Congress is given.

23 SEC. 4. The Commissioners are hereby authorized to
 24 enter into leases for the use of public space located in, on,
 25 over, or under any of the streets or alleys in the District

1 under their jurisdiction, other than freeways, to an extent
2 not inconsistent with the use of such space by the general
3 public for the purpose of travel. A lessee of public space
4 under the authority of this Act shall be a person having a
5 fee simple title in the real property abutting such public
6 space. Such leases shall impose such terms and conditions,
7 including, but not limited to, the deposit of bond or other
8 security, and payment of such rents or fees as the Commis-
9 sioners may, in their discretion, determine to be necessary or
10 desirable, which rents or fees may include amounts for the
11 payment of taxes as if such public space were owned by the
12 owner of the abutting privately owned property. Any such
13 lease shall provide among other conditions (1) that such
14 space shall not be used by the lessee in such manner as to
15 deprive of its easements of light, air, and access any real
16 property not owned or controlled by such lessee; (2) that
17 there will be a clearance of at least fourteen feet between
18 the recorded grade of the roadway of any such street or
19 alley and the lowest portion of any building or other struc-
20 ture constructed over such space, not including the columns,
21 if any, supporting such building or structure; and (3) that
22 upon the expiration of the lease and any renewal thereof,
23 any building or other structure which may have been con-
24 structed in such space shall, at the direction of the Commis-
25 sioners or if required by the terms of the lease, be removed

therefrom by and at the expense of the lessee or his successor in interest, and the public space shall be restored to the condition which obtained prior to the construction of such building or other structure, all of the satisfaction of the Commissioners. Each such lease shall include provisions particularly describing the real property abutting the leased public space and providing that the lessee covenants for himself, his heirs, successors, and assigns (1) that all the rights, duties, terms, conditions, agreements, and covenants set forth and contained in such lease shall run with the abutting real property owned by the lessee, and shall inure and apply to and bind the lessee, his heirs, legal representative, successors, and assigns, and (2) that each of the subsequent owners of the abutting real property shall assume and be bound by all of the terms and conditions of such lease, such covenants in each and every particular to run with the abutting real property and to be construed as real covenants running with the land, the intent thereof being to make the lessee and all persons succeeding to the interest of the lessee in the abutting real property equally liable, as principals, to all of the terms and conditions of the lease. Each such lease shall also include a requirement that the lessee will, at his expense, record a copy of the lease among the land records in the Office of the Recorder of Deeds of the District of Columbia.

SEC. 5. The Commissioners are authorized, with re-

1 spect to property subject to the requirements of section 2 of
2 the Act approved May 31, 1900 (31 Stat. 248; D.C. Code,
3 sec. 7-117), to allow the same use to be made of such prop-
4 erty as, under the authority of this Act, is to be made of the
5 public space abutting such property and leased by the Com-
6 missioners under the authority of this Act. Any such use
7 of such property may be authorized in the lease applicable
8 to the abutting public space, and, if so authorized, shall be
9 subject to the same conditions as are applicable to the use of
10 the abutting public space leased under the authority of this
11 Act, including, without limitation, the provisions of section
12 9.

13 SEC. 6. (a) The Commissioners shall not execute a
14 lease authorized by this Act until the following actions have
15 been taken:

16 (1) The Zoning Commission of the District of
17 Columbia, after public hearing and after securing the
18 advice and recommendations of the National Capital
19 Planning Commission, shall have determined the use to
20 be permitted in such space and shall have promulgated
21 regulations pertaining thereto, including but not limited
22 to, limitations and requirements respecting the height of
23 any structure to be erected in such space, off-street park-
24 ing and floor area ratio, which limitations and require-
25 ments shall be consistent with those applicable to the

1 abutting privately owned properties. The provisions of
2 section 10 of the Act entitled "An Act providing for the
3 zoning of the District of Columbia and the regulation of
4 the location, height, bulk, and uses of buildings and
5 other structures and of the uses of land in the District
6 of Columbia, and for other purposes", approved June 20,
7 1938 (52 Stat. 800; D.C. Code, sec. 5-422), shall be
8 applicable to regulations made pursuant to this section
9 and to violations of such regulations.

10 (2) The lessee shall have submitted to the Com-
11 missioners, for their review and approval, plans, eleva-
12 tions, sections, and a scale model for any structure to be
13 erected in such space, and a description of the texture,
14 material, and method of construction of exterior walls.

15 (3) The lessee, with respect to any structure pro-
16 posed to be constructed in an area subject to the
17 Shipstead-Luce Act approved May 16, 1930 (46 Stat.
18 366), as amended (D.C. Code, secs. 5-410 and 411),
19 or the Old Georgetown Act approved September 22,
20 1950 (64 Stat. 903; D.C. Code, title 5, chapter 8),
21 shall have submitted to the Commission of Fine Arts for
22 its review and approval, plans, elevations, sections, and
23 a scale model for such structure, and a description of
24 the texture, material, and method of construction of
25 exterior walls.

1 (4) the lessee, with respect to any structure pro-
2 posed to be constructed in public space utilized or to
3 be utilized for the construction and operation of a sub-
4 way of the National Capital Transportation Agency
5 or any entity or agency succeeding to its functions and
6 powers, shall have submitted to such agency for its
7 review and approval the plans, elevations, sections, and a
8 scale model of such structure.

9 (b) No permit for the construction of a building author-
10 ized by this Act to be constructed in such public space shall
11 be issued by the Commissioners until they have received, in
12 writing, to the extent required by this Act, the approvals of
13 the Commission of Fine Arts and the National Capital Trans-
14 portation Agency or its successor respecting the plans for
15 the proposed structure: *Provided*, That if either of the said
16 agencies fails to report to the Commissioners its approval or
17 disapproval of the plans for the proposed structure within
18 sixty days from the date on which such plans were forwarded
19 to it, such failure shall be deemed to constitute approval of
20 the plans by such agency.

21 (c) Whenever the Commissioners shall find that there
22 is any significant change in, or substantial modification of,
23 the plans for the proposed structure after such plans have
24 been approved in accordance with the requirements of the

1 order shall be served on the owner in accordance with the
2 rules of said court relating to the service of process in civil
3 actions. In the event such owner is not to be found in the
4 District after reasonable search and an affidavit to this effect
5 is made on behalf of the District, such process may be served
6 by publication for one day each week for three consecutive
7 weeks in a newspaper of general circulation in the District,
8 and, if service of process is by publication, a copy of such
9 process and publication shall be sent to such owner by cer-
10 tified mail at his last known address as recorded in the real
11 estate assessment records of the District.

12 SEC. 307. Notwithstanding the provisions of the pre-
13 ceding section, whenever the Commissioners find that any
14 vault or vault opening is in such condition as to be immi-
15 nently dangerous to persons or property, they shall immedi-
16 ately notify the owner, agent, or other person in charge of
17 the private property abutting the public space in which such
18 vault or vault opening is located, to cause such vault or
19 vault opening to be made safe and secure. The person or
20 persons so notified shall be allowed until 12 o'clock noon of
21 the day following the service of such notice in which to com-
22 mence making such vault or vault opening safe and secure:
23 *Provided*, That in a case where the public safety requires
24 immediate action the Commissioners may enter upon the

1 private property abutting the public space in which such
2 vault or vault opening is located, with such workmen and
3 assistants as may be necessary, and cause such vault or vault
4 opening to be made safe and secure. In any case in which
5 the Commissioners perform any work under the authority
6 of this section, the cost to the District of performing such
7 work shall be charged against the private property abutting
8 the public space in which such vault or vault opening is lo-
9 cated, and shall be collected in the manner provided by
10 section 308.

11 SEC. 308. (a) The Commissioners shall take such
12 action as they in their discretion consider necessary or
13 desirable to secure the payment to the District of rents due
14 and payable on vaults; interest on late rental payments;
15 the cost of any advertising required by this title; the cost
16 to the District of sealing off, removing in whole or in part,
17 filling, reconstructing, repairing, or closing a vault or vault
18 opening, or performing any other service in connection
19 therewith; and interest at the rate of 1 per centum per
20 month or part thereof in every case in which payment to
21 the District for the cost of performing work authorized by
22 this title is not made within thirty days after a bill for
23 such cost shall have been rendered.

24 (b) Charges authorized to be made by this title and
25 not paid within ninety days after the close of the fiscal year

1 in which such charges accrue shall be levied by the Commis-
2 sioners as a tax against the property abutting the public space
3 in which a vault is located, such tax to be collected as pro-
4 vided in this section. Such tax shall include, without limita-
5 tion, rents due and payable on vaults, interest on late rental
6 payments, costs for sealing off, removing in whole or in part,
7 filling, repairing, reconstructing, or closing a vault or vault
8 opening, interest on late payments of such costs, and any
9 advertising required by this title. The tax authorized to be
10 levied and collected under this section may be paid without
11 interest within sixty days from the date such tax was levied.
12 Interest of one-half of 1 per centum for each month or part
13 thereof shall be charged on all unpaid amounts from the ex-
14 piration of sixty days from the date such tax was levied.
15 Any such tax may be paid in three equal installments with
16 interest thereon. If any such tax or part thereof shall remain
17 unpaid after the expiration of two years from the date such
18 tax was levied, the property against which said tax was
19 levied may be sold for such tax or unpaid portion thereof with
20 interest and penalties thereon at the next ensuing annual tax
21 sale in the same manner and under the same conditions as
22 property sold for delinquent general real estate taxes, if said
23 tax with interest and penalties thereon shall not have been
24 paid in full prior to said sale.

25 SEC. 309. (a) The Commissioners are authorized to

1 require that the use of a vault occupied or used under the
2 authority of this Act shall be subject to the condition that
3 the District shall have the right at any time to install or
4 construct under, over, or through said vault any water pipe,
5 gas pipe, sewer, conduit, other pipe, or other public or
6 public utility underground construction that the Commis-
7 sioners may consider it necessary in the public interest to
8 place in the space occupied by such vault, without compen-
9 sation to the owner of the private property abutting the
10 space in which such vault is located or to the person occu-
11 pying or using such vault. Each person using or occupying
12 a vault, upon notice from the Commissioners that a water
13 pipe, gas pipe, sewer, conduit, other pipe, or other public
14 or public utility underground construction is to be introduced
15 in the space occupied by such vault, shall commence to
16 move, and forthwith remove, if necessary, any boiler, pipe,
17 wall, beam, machinery, or construction in or pertaining to
18 said vault, or any fixture or other thing therein, without
19 cost to the District, so as to leave a space clear and sufficient
20 in the judgment of the Commissioners for the introduction
21 and maintenance of any such underground construction or
22 installation. The Commissioners are further authorized to
23 require each applicant for a permit to construct a vault in
24 public space, as a condition precedent to the issuance of the
25 permit, to agree for himself and his heirs and assigns that

1 any renewal of any such lease, or upon the termination of
2 such lease resulting from the lessee's violation of its pro-
3 visions or his failure to comply with its terms and conditions,
4 the Commissioners are authorized to require observance of so
5 much of the provisions of such lease as obligates the lessee
6 or his successor in interest to remove any building or other
7 structure constructed under the authority of such lease, and
8 to restore the space formerly occupied by such building or
9 other structure to its former condition, all to the satisfac-
10 tion of the Commissioners, without cost to the District.
11 Should such building or other structure not be so removed
12 by the lessee or his successor in interest, the same shall
13 be removed by the Commissioners, and the cost of such re-
14 moval and the restoration to its former condition of the
15 space formerly occupied by such building or other structure
16 shall be assessed equally against the abutting properties as
17 a tax, to be collected in like manner as is provided by sec-
18 tion 6 of the Act approved March 1, 1899, as amended
19 (D.C. Code, sec. 5-506).

20 SEC. 12. (a) The Commissioners are authorized, after
21 public hearing, to promulgate regulations to carry out the
22 purposes of this Act.

23 (b) Any regulations adopted under the authority of
24 this section may provide for the imposition of a fine of not

1 more than \$300 or imprisonment for not more than ninety
2 days, or both such fine and imprisonment, for any violation
3 of such regulations. Prosecutions for violations of regula-
4 tions made pursuant to this section shall be conducted in
5 the name of the District by the Corporation Counsel or any
6 of his assistants.

7 (c) Whenever there exists any violation or failure to
8 comply with regulations adopted under the authority of this
9 Act, or regulations specified in section 8 of this Act, after
10 notice of such violation or failure has been given by the
11 Commissioners, each and every day such violation exists,
12 or each and every day beyond a time limit set for compliance
13 during which there is failure to comply fully with any of
14 the said regulations or with orders issued pursuant to the
15 authority contained therein, shall constitute a separate of-
16 fense, and the penalty specified for the violation of such
17 regulation shall be applicable to each such separate offense.

18 (d) The Commissioners are further authorized to main-
19 tain an action in the United States District Court for the
20 District of Columbia to enjoin the continuing violation of
21 any regulation adopted by them or by the Zoning Com-
22 mission under the authority of this Act, or of any of the
23 regulations referred to in section 8 of this Act.

24 SEC. 13. The Commissioners are hereby further author-
25 ized—

(a) to make or permit such use of public space in the District for any municipal purpose, including, without limitation, housing for low-income families, public welfare, public works, park, recreational, and vehicle parking, as will not be detrimental to or impair the efficient use, operation, and maintenance of such public space; and

(b) to enter into contracts or agreements with the United States for the use of public space and for the purpose of receiving, or qualifying any permittee or lessee to receive, grants or other financial assistance under available Federal programs in connection with the construction, use, or operation of buildings, structures, and other things in such space.

SEC. 14. The Federal and District of Columbia governments, without regard to the requirements of sections 4 through 11 of this Act, each are authorized to construct one or more buildings located partly on land owned by such governments and partly in public space, in, on, over, and under streets or alleys of the District of Columbia, subject to the following conditions:

(1) The government proposing to construct any such building shall have fee simple title to so much of the property on both sides of the street or alley as is to be occupied by those portions of such building not

1 located within the area between the building lines of
2 such street or alley.

3 (2) The public space to be occupied by a portion
4 of such building shall not extend beyond the street or
5 alley frontage of that piece of property on either side
6 of such street or alley which, in comparison with so
7 much of the other piece of property as may lie directly
8 opposite, has the smaller street or alley frontage.

9 (3) The construction of any such building by the
10 Federal Government across a street or alley the title to
11 which is in the District of Columbia shall be in accord-
12 ance with an agreement between the Commissioners of
13 the District of Columbia and the Administrator, General
14 Services Administration, whereby the Commissioners,
15 subject to such terms and conditions as the Commis-
16 sioners and the Administrator agree to include in the
17 agreement, grant to the United States an easement to
18 use the public space over and under such street or
19 alley for the purpose of constructing therein a portion
20 of a building, the remaining portions of which are to
21 be located on both sides of such street or alley. The
22 granting of such easement to the Federal Government
23 by the Commissioners shall, for the purpose of section
24 355 of the Revised Statutes of the United States, as
25 amended (40 U.S.C. 255), be deemed to be sufficient

and valid title in the United States to such portion of the building site as is located within the building lines of such street or alley.

(4) The construction of any such building by the District of Columbia government across a street or alley the title to which is in the United States shall be in accordance with an agreement between the Commissioners of the District of Columbia and the Attorney General of the United States, whereby the Attorney General, subject to such terms and conditions as he and the Commissioners agree to include in the agreement, grants to the District of Columbia an easement to use the public space over and under such street or alley for the purpose of constructing therein a portion of a building, the remaining portions of which are to be constructed on both sides of such street or alley.

(5) The provisions of section 16 of the Act approved June 20, 1938 (52 Stat. 802) as amended (D.C. Code, sec. 5-428), shall be applicable to the construction of any such building by the Federal Government in like manner as if the building were constructed entirely on property owned by such Government, and such section 16 shall also be applicable to the construction by the District of Columbia of any such building, to the extent that such section is, by subsection

1 5 (c) of the National Capital Planning Act of 1952,
2 as amended (40 U.S.C.A., sec. 71d (c)), made appli-
3 cable thereto.

4 (6) The construction of any such building by the
5 United States or the District of Columbia shall be sub-
6 ject to the approval of the National Capital Planning
7 Commission to the extent that any such approval is
8 required by the National Capital Planning Act of 1952,
9 as amended (40 U.S.C.A., secs. 71-711, 72-72c, 73-
10 74a, 122, 125, 126, and 128) .

11 (7) The construction of any such building by the
12 United States or the District of Columbia shall be sub-
13 ject to the approval of the Commission of Fine Arts to
14 the extent required by the Act approved May 16, 1930
15 (46 Stat. 366) , as amended (D.C. Code, secs. 5-410
16 and 411) , or the Act approved September 22, 1950
17 (64 Stat. 903; D.C. Code, title 5, chapter 8) , as the
18 case may be.

19 SEC. 15. Nothing in this Act shall be construed as modi-
20 fying or superseding title 23, United States Code: *Provided*,
21 That the use of public space under the authority of this Act
22 shall not be deemed to deprive the District of its eligibility
23 for financial assistance under any federally assisted program,
24 regardless of the fact that the District may, in the case of a

1 privately owned building, receive rental for the use of such
2 public space.

3 SEC. 16. If any provision of this Act or of the regula-
4 tions promulgated under the authority of this Act is held
5 invalid, such invalidity shall not affect other provisions
6 either of this Act or of the said regulations which can be
7 effected without the invalid provision, and to this end the
8 provisions of this Act and the said regulations are separable.

9 SEC. 17. Appropriations to carry out the purposes of
10 this Act are hereby authorized.

A BILL

To authorize the Commissioners of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under their jurisdiction, other than freeways, and for other purposes.

By Mr. Tydings

MARCH 9, 1967

Read twice and referred to the Committee on the
District of Columbia

NOTED

JUL 20 1967

RECEIVED
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.

16 November 1967

Dear General Graham:

This will confirm the Commission's preliminary approval of the designs for stations at Judiciary Square and the G Street Station. I think it was clear that in taking this action the Commission implied that this approval was subject to the other stations being designed along the same lines.

We would also like to emphasize that the Commission is opposed to any commercial advertising in the station structures.

Sincerely yours,

William Walton
Chairman

Major General Jackson Graham
General Manager
Washington Metropolitan Area
Transit Authority
1634 Eye Street, N.W.
Washington, D.C.

Exhibit J 2

16 November 1967

Dear Colonel Henson:

The Commission of Fine Arts, at its meeting on October 17th, disapproved preliminary plans for the new elementary school at Lincoln Road and Douglas Place.

While the basic organization is fairly good, the architectural expression is confused and by far too complex. We suggested to the architects that a more uniform expression be followed.

Sincerely yours,

William Walton
Chairman

Lt. Colonel William F. Henson
Room 514
District Building
Washington, D.C. 20004

Exhibit K

COMMISSION OF FINE ARTS

The Regents of the Smithsonian Institution, the Commission of Fine Arts, and Mrs. Eugene Meyer, as provided in Paragraph 4 of the Codicil to the Will of the late Charles L. Freer, have examined the following objects:

- 1 Chinese bronze tripod with six-character Hsüan-te mark on one leg; Ming
- 1 Japanese bronze mirror, 13th century, Kamakura; Design of pawlonia tree, bamboo and phoenix.
- 1 Japanese lacquer box, 17th century; mother-of-pearl and gold inlay. Rice planting scene.
- 1 pair Japanese painting, six-fold screens; ink and slight color on paper. Nanga school by Nakabayashi Chikuto (1776-1853). Landscape.
- 1 pair Japanese painting, six-fold screens; ink on paper. Muromachi period, Unkoku school, unsigned. (Sho-sho Hakkei).
- 1 Annamese porcelain, blue and white gourd ewer.
- 1 Chinese porcelain, white ewer.
- 1 Chinese porcelain, white covered box with flowers on top (probably Sung).
- 1 Chinese porcelain, white covered box with vermicular pattern (probably Sung).
- 1 Chinese porcelain, blue and white kuan decorated with figures in a garden; 15th century.
- 1 Chinese porcelain, small red vase, 18th century (Nien-yao).
- 1 Chinese porcelain, white ewer with Sasanian-type lip; T'ang.
- 1 pair Persian pottery bowls (king and queen), footed; black on turquoise. Kashan, early 13th century.

Exhibit L

- 1 Persian pottery elephant with howda and two figures, 13th century; turquoise and cobalt, iridescent. (Gurgan)
- 1 Siamese porcelain, Celadon vase; Sawankālok.

For the Regents of the Smithsonian Institution

For the Commission of Fine Arts

NOTED

OCT 18 1891
WASHINGTON D C
THE COMMISSION OF FINE ARTS
RECEIVED

MEETING OF THE COMMISSION OF FINE ARTS
17 October 1967

AM
10:15

I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

II. ADMINISTRATION

1. Dates of Next Meeting:
Executive Session: 14 November 1967
Open Session: 15 November 1967
2. Approval of Minutes of September 1967 Meeting
3. AIA Student Scholar Program

III. SUBMISSIONS-REVIEWS

1. District of Columbia, Department of Buildings and Grounds
New Elementary School, Lincoln Road and Douglas Street - Revised Design
2. Department of the Army, Corps of Engineers
Walter Reed Army Medical Center Master Plan
3. General Services Administration, Public Buildings Service
Selection of Sculptor for Federal Office Building, Louisville, Kentucky
4. District of Columbia Government, Department of Licenses and Inspections
 - a. Shipstead-Luce Act
 - (1) Watergate Project, Building #3 - Review of Final Working Drawings
 - (2) Appendix 1
 - b. Old Georgetown Act
Appendix 2
5. Washington Metropolitan Area Transit Authority
Proposed Design of Washington Subway System

IV. Freer Gallery of Art

Inspection of Proposed Acquisitions

V. LEGISLATION

1. H.R. 9072-4/24/67-Mr. Whitener-90thC
H.R. 12507-8/22/67-Mr. Dowdy-90thC

To authorize the Commissioners of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia and for other purposes.

2. H.R. 12506-8/22/67-Mr. Dowdy-90thC

To authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes.

3. H.R. 12508-8/22/67-Mr. Dowdy-90thC

To authorize the Commissioners of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over and under the streets and alleys under their jurisdiction, other than freeways, and for other purposes.

VI. INTERVIEWS

- 11:00
1. District of Columbia Government, Department of Buildings and Grounds

New Elementary School, Lincoln Road and Douglas St. - Revised Design

2. Washington Metropolitan Area Transit Authority

Proposed Design of Washington Subway System

